What Is Enlightenment?

Critical Review

An Interdisciplinary Journal *of* Politics *and* Society

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Mark E. Yellin

INDIRECT UTILITY, JUSTICE, AND EQUALITY IN THE POLITICAL THOUGHT OF DAVID HUME

ABSTRACT: *Differing interpretations of the political thought of David Hume have tended to emphasize either conservative, gradualist elements similar to Burke or rationalist aspects similar to Hobbes. The concept of indirect utility as used by Hume reconciles these two approaches. Indirect utility is best illustrated by Hume's conception of justice, in contrast to his conception of benevolence, which yields direct benefits. This understanding of Hume's consequentialism also helps underscore certain egalitarian aspects of Hume's thought.*

David Hume has attracted many labels from those who have attempted to grasp the complexity of his philosophical, political, and historical writings. In this essay I will contend that the principle that connects the various aspects of Hume's work is that of indirect utility. By indirect utility I mean the capacity of virtues, practices, and institutions to have generally beneficial consequences in the long term, even if they are not immediately beneficial. This principle not only covers such familiar notions as delayed gratification and enlightened self-interest, but explains why one sort of character and one sort of legal system should be preferred over another—or, more pertinently to Hume, why a system of laws is preferable to no system.

As we shall see, there are moments when circumstances of paramount necessity require the abrogation of the regular system of jus-

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tice. Hume's conception of utility is not as ruthless in its calculating rationality as that of Jeremy Bentham. But a certain family resemblance and even lineage has to be acknowledged, even though Hume's conception of utility is much broader and more malleable than that of Bentham, given that it has to accommodate Hume's complex moral psychology of sympathy and the passions.

In making the case for indirect utility as a fundamental principle of Hume's political thought, it is useful to contrast this interpretation against two others. The first position I will be arguing against interprets Hume as a seminal conservative thinker. I will focus mainly on Sheldon Wolin and Donald Livingston, whose arguments strike me as the most persuasive.[1] The other interpretation, which is somewhat closer to mine, portrays Hume as being pivotal in the contractarian tradition, in spite of his explicit arguments against the notion of a social contract. David Gauthier develops this interpretation of Hume (1979).[2] While it does allow a role for consequentialism, Gauthier's position unnecessarily saddles Hume with positions that run contrary to his account of the origins of the state and civil society.

To the degree that there is a consensus on the status of Hume's political thought, it is probably that he should be considered a conservative political thinker. Sheldon Wolin's seminal essay, "Hume and Conservatism" (1976), emphasizes that Hume shared the conservative "distrust of reform" and that he influenced Edmund Burke with his account of the role of time, history, and experience in the development of political institutions. While it is undoubtedly the case that Hume influenced many later conservative thinkers, this doesn't quite do justice to the complexity of his political thought, as Wolin (1976, 254) seems tacitly to admit in the conclusion of his essay, where he appears to backtrack slightly from his main thesis by stating that Hume was a symptom of an age in which previous liberal gains were being consolidated, and thus in which "liberalism was becoming conservatized."[3]

A more rigorous and uncompromising case for considering Hume a conservative is made by Donald Livingston in *Hume's Philosophy of Common Life* (1984). Livingston (1984, 308–9) argues that conservatism is primarily a criticism of "a certain pattern of thought," namely "the violent intrusion of rationalistic metaphysics into politics." Livingston's analysis is an improvement on Wolin's account in three respects. First, he recognizes that Hume leaves room for reform in his political thought. Second, he realizes that Hume is not an irra-

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tionalist. As Livingston (1984, 322) puts it, "A maxim such as 'reason is and ought to be the slave of the passions' was designed to shock the conceptual frame of the Age of Reason, and to throw into question not reason but a philosophical theory of reason." Third, Livingston has a more nuanced understanding of the central role of time in Hume's political thought, arguing that it "is a value internal to Hume's conception of social utility. . . . Evolutionary reform, then, is not only possible in Hume's system, it is internal to the narrative imagination and, consequently, to the moral world which the imagination weaves into existence"(Livingston 1984, 338 and 340). The chief weakness in Livingston's interpretation is that it doesn't connect these insights to Hume's science of politics and his political economy, which, while displaying a characteristic caution, make an even more prominent place for reason than Livingston intimates.[4]

If Wolin and Livingston underestimate the role of reason and rationality in their accounts of Hume's political thought, the same cannot be said of David Gauthier, who goes so far as to argue that Hume's account is roughly as rationalistic as the one found in Hobbes's *Leviathan*. "Hume's men, like those of Hobbes and Locke and Bentham, are possessive individualists. . . . Hume is sensibly aware of men's interest in curbing interest. It is this awareness which makes his thought contractarian, for the essence of the social contract is found in the mutual advantage of restraining the pursuit of advantage"(Gauthier 1979, 36–37).

While it is true that Ulysses-like self-restraint seems to be a necessary component of the Hobbesian and Lockean account of the origins of government, self-restraint is not a sufficient condition. At the very least some notion of consent, explicit or tacit, is essential to any contract theory. Hume considered the notion of the social contract to be descriptively false as an explanation of how government can make claims of legitimate obligation on its citizens.[5] While reason and interest certainly play pivotal roles in Hume's account of the origins of government and civil society, other factors, such as sentiment, benevolence, habit, and custom also come into play. Where Wolin and Livingston underestimate the role of rationality in Hume's political thought, Gauthier fails to take into account the complexity of Hume's psychology.

In truth, Hume's political thought is best considered as a form of consequentialism that combines an evolutionary account of the origins of civil society and government with a rationalist model of

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human action that is qualified by Hume's psychological theory.[6] Hume emphasizes the role of benevolence, habit, and convention in the spontaneous emergence of a society that does not need a government to enforce rules and keep order. Hume's claim is that if the society is small enough, benevolence, familiarity, and conventions are sufficient.[7] However, as a society experiences economic and demographic growth, most of its members become strangers to each other, weakening the role of benevolence as compared to self-interest. People's natural myopia about the effects of their actions over time and on the larger community become significant. To provide for continued economic prosperity and to correct for the problem of shortsightedness, government is necessary. While justice exists prior to the advent of government, due to reciprocal restraint in the pursuit of immediate interest, long-term utility demands that reciprocity be reinforced as a society experiences growth and change.

Justice, Civil Society, and the Origins of Government

The principle of indirect utility emerges gradually in Hume's account of the origins of justice, civil society, and government. No government is necessary for social cohesion in smaller groups, because Hume sees human beings as inherently social animals who can cooperate by means of conventions that emerge without being anyone's intention, and through the natural sympathy that enables us to be concerned with the welfare of others.

Hume (1978, 490) illustrates how conventions involving reciprocity come into being by drawing the analogy of two rowers in a boat.

> Two men, who pull the oars of a boat, do it by an agreement or convention, tho' they have never given promises to each other. Nor is the rule concerning the stability of possession the less deriv'd from human conventions, that it arises gradually, and acquires growth by slow progression.

The habit and expectation that each member of a small society will show certain restraint and will perform certain roles promotes social cooperation. This reciprocity is self-reinforcing in that it leads to the recognition of common interest:

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> It is only a general sense of common interest; which sense all the members of the society express to one another, and which induces them to regulate their conduct by certain rules. I observe, that it will be for my interest to leave another in the possession of his goods *provided* he will act in the same manner with regard to me. . . . When this common sense of interest is mutually express'd, and is known to both, it produces a suitable resolution and behavior. (Hume 1978, 490)

Small-scale society is also marked by sympathy, because in Hume's view, benevolence is a natural virtue most strongly felt for our family and others who are close to us. Since in a small-scale society, by definition, all the members are close to each other, the direct benefits of benevolence are strong. Consequently, "nothing but an encrease of riches and possessions cou'd oblige men to quit" such a society (Hume 1978, 541).

With population growth and an increase in prosperity, however, the bonds of affection between group members become increasingly attenuated. This is one source of a larger society in which the public role of benevolence is severely diminished, although it never disappears entirely. The other source of the new kind of society is conflict between smaller societies.[8] The root of such conflict can be competition over relatively scarce resources or inequality of wealth. Hume (1978, 540) declares that "the first rudiments of government . . . arise from quarrels, not among men of the same society, but among those of different societies. A less degree of riches will suffice to this latter effect, than is requisite for the former."

Hume speculates that the experience of fighting wars teaches men the benefit of having someone in authority, a military leader. Through analogy to this experience, the idea and practice of a nonmilitary leadership structure takes hold.

> This authority, however, instructs them in the advantages of government, and teaches them to have recourse to it, when either by the pillage of war, by commerce, or by any fortuitous inventions, their riches and possessions have become so considerable as to make them forget, on every emergence, the interest they have in the preservation of peace and justice. . . . Camps are the true mothers of cities; and as war cannot be administered by reason of the suddenness of every exigency, without some authority in a single person, the same kind of authority takes place in that civil government, which succeeds the military. (Hume 1978, 540–41.)

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For Hume, like Hobbes, conflict and the advent of government are closely related. The importance of war and conflict in the political thought of both comes in part from shared influences. Both Hume (1987, 422) and Hobbes admired and were deeply influenced by Thucydides. Hume places more emphasis than Hobbes, however, on the conflict between competing groups, as opposed to civil war. However, this is not to say that Hume was unconcerned with the danger of internal social conflict, which he believes leads to civil war (Hume 1978, 540). But unlike Hobbes, Hume does not believe that a social contract could have remedied the violent conflict that marks much of the human condition.

> The face of the earth is continually changing, by the encrease of small kingdoms into great empires, by the dissolution of great empires into smaller kingdoms, by the planting of colonies, by the migration of tribes. Is there anything discoverable in all these events, but force and violence? Where is the mutual agreement or voluntary association so much talked of? (Hume 1987, 471.)

What, then, are the sources of stability, cooperation, and some degree of personal liberty? Hume's answer lies in the gradual emergence of conventions and cooperation in prepolitical societies. There, habits of reciprocity give rise to new artifices, which Hume calls the "rules of justice" or "laws of nature." Hume's conception of justice is his most significant single application of the principle of indirect utility. It is quite distinct from benevolence, which has direct and immediate benefits. Hume uses the metaphors of the wall and the vault of an arch to emphasize and illustrate this distinction. According to Hume, benevolence is like a wall because each benevolent act is a brick that adds something to the common good. Justice is like a vault because it is the system of justice as whole that is important, not the individual bricks (Hume 1975, 305).[9] And unlike bricks of benevolence, the vault may structure the whole edifice by dictating outcomes that in individual cases seem unfair.[10]

Hume regards the rules of justice as indispensable to the ability of a society to function at all. "Hume's justice-initiators are parents who care about their children's concerns, and friends who care about each other's cares"(Baier 1991, 221). The three basic rules of justice are the stability of possession, . . . its transference by consent, and the performance of promises"(Hume 1978, 526). These conventions of justice

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are artificial, but not arbitrary, in that they are an inescapable minimum requirement for any human society. In a small-scale society the natural virtue of benevolence, or generosity, and the artificial virtue of justice are to some extent complementary.

However, the convention of justice can arise only under Hume's circumstances of justice. Hume argues that there are aspects of the mind and facts about the external world that make justice necessary. "The qualities of mind are *selfishness* and *limited generosity*: And the situation of external objects is their *easy change*, join'd to their *scarcity* in comparison to the wants and desires of men"(Hume 1978, 495). For Hume, justice occurs in a middle range of moderate scarcity and limited benevolence. Hume imagines a world beyond justice: a condition of such great abundance that no conflicts over goods need arise, a state of the human mind given over to a perfect altruistic generosity.[11] At the other end of the scale, Hume (1978, 494–95) imagines an irremediable poverty in conditions of extreme scarcity, the human mind given over to a vicious, unrestrainable selfishness. This is a condition in which justice is unattainable.

The minimal conditions of justice being met, Hume assumes that a society will grow and prosper. The "natural law" of stability of possession curtails the possibility of endless quarreling over possessions; law transferring possession by consent provides a mechanism for adjusting to changing conditions and circumstances; and the performance of promises provides an orientation towards the future that partly corrects for human myopia. One of Hume's interpreters, Annette Baier, "points out that the special role of promise, among the sources of obligation, for Hume, is to enable cooperation among strangers, and to extend that cooperation to future actions and distant foods and property"(Postema 1986, 85).

As the society in Hume's account experiences growth in population and prosperity, internal strains gradually emerge to accompany external conflicts. "Hume's account is a genetic one: institutions are built upon institutions. The need for each arises from the defects in the institutions of the previous stage—defects which, paradoxically, are due largely to the success of these institutions"(Postema 1986, 84). (For Hume, as for Marx, men make their own history, but not as they please.)[12] As society enlarges, the positive effects of benevolence become increasingly attenuated, and "men being naturally selfish, or endow'd only with a confin'd generosity, they are not easily induc'd to perform any action for the interest of strangers, except with a view to

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some reciprocal advantage, which they had no hope of obtaining but by such a performance" (Hume 1978, 519). While the rules of justice provide stability, human self-interest and myopia threaten. Whereas before, the consequences and effects of one's actions were felt directly and were publicly noticeable, in the larger society of strangers it is possible to act selfishly, even to violate the rules of justice, without detection. The temptation and "allurement of the present" is too great to resist (Hume 1987, 38). And "avidity alone, of acquiring goods and possessions for ourselves and our nearest friends, is insatiable, perpetual, universal, and directly destructive of society" (ibid., 492).

To avoid the destruction of society and to ensure its further growth and development, government becomes necessary. But it is important to emphasize that this is not because Hume regards human nature as being fundamentally antisocial, but because at a certain stage in social development the institution of government is required to deal with what are now called collective-action problems. The most famous example of this in Hume is his "meadow problem."

> Two neighbors may agree to drain a meadow, which they possess in common; because 'tis easy for them to know each others mind; and each must perceive, that the immediate consequence of his failing in his part, is, the abandoning of the whole project. But 'tis very difficult, and indeed impossible, that a thousand persons shou'd agree in any such action; it being difficult for them to concert so complicated a design, and still more difficult for them to execute it; while each seeks a pretext to free himself of the trouble and expence, and wou'd lay the whole burden on others. Political society easily remedies both these inconveniences. (Hume 1978, 538.)

In addition to ensuring that bridges are built, harbors opened, fleets equipped, and armies disciplined, government ensures that the rules of justice are maintained in the larger and wealthier society of strangers.

Indirect Utility and Its Limits

These two accounts of the origins of government are woven together through Hume's use of the principle of indirect utility, which contains both evolutionary and rationalistic elements. The evolutionary aspect lies in the genetic way that new situations and institutions grow out of old ones. The rationalistic element lies in the way human beings reflect upon their experiences and alter their actions in accordance with their

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judgments. The principle of indirect utility shows how certain basic political and legal institutions come into being. It also points to the important role that uncertainty, contingency, and chance play in Hume's social thought. The principle of indirect utility assumes that perfect knowledge of the future is not available, so institutions are needed to provide a certain minimal stability and predictability that promotes the general happiness in the long run.

Most accounts of Hume seem to accept that once government is established, the initial distribution of goods is irrelevant to the concerns of justice, as long as that distribution occurs within a middle range of moderate scarcity and limited benevolence.[13] Donald Livingston argues that, for Hume, this initial distribution, by definition, is justice. It can only change gradually, through the unintended consequences of human action—particular exchanges and transfers among consenting parties. Therefore any attempt to apply an abstract principle of distributive justice to a concrete historical situation is bound to be self-defeating and dangerous (Livingston 1984, 338–40).

While I agree with Livingston that Hume would be deeply opposed to the arbitrary imposition of abstract, a priori principles of justice on a society, it doesn't follow that his concern with distribution of goods in a society ends with the initial distribution. For Hume, justice is grounded in public utility and common interest, so to the degree that distributive inequality pushes a substantial portion of the population into a condition of radical scarcity, that portion of the population is no longer bound by the rules of justice. To put it another way, certain distributions of goods—depending on the circumstances—are unjust. The relevant example from Hume is his insistence that the "public, even in less urgent necessities open granaries, without consent of the proprietors; as justly supposing that the authority of magistracy may, consistent with equity, extend so far. . . ." Hume (1998, 85)[14] emphasizes the importance of avoiding human misery and suffering: "It will readily, I believe, be admitted, that the strict laws of justice are suspended, in such a pressing emergence, and give place to the stronger motives of necessity and self-preservation."

In short, there are circumstances in which the rules of justice do not hold: where paramount and immediate needs outweigh concerns about long-term benefits. This amounts to an exception to Hume's emphasis on indirect utility. Since justice is meant to help secure public happiness and security, adhering strictly to its rules under dire circumstances runs counter to its intended effect. However, this fact is

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not without significance for the application of indirect utility to the principle of equality. The inference I want to draw here is that, for Hume, a distribution of goods that plunges a substantial portion of the public into abject misery could be pernicious to public utility. Perhaps this is his rationale for advocating gradual adjustments that reform distributive patterns that contribute to impoverishment and ultimately public disorder.[15]

This hardly commits Hume to perfect equality (something he strongly rejects), but can be seen as offering a case for the minimization of great inequalities. Hume's argument against perfect equality underscores the respects in which he sees social equality as desirable.

> Render possessions ever so equal, men's different degree's of art, care, and industry will immediately break that equality. Or if you check these virtues, you reduce society to extreme indigence; and instead of preventing want and begary to the few, render it unavoidable to the whole community. (Hume 1998, 91)

Hume regards striving after perfect equality as ultimately futile and self-defeating, but he is concerned with issues of economic equality that are usually considered to be central aspects of distributive justice. While Hume criticized the notion of perfect equality in *An Enquiry Concerning Moral Principles of Morals,* he also acknowledged the pernicious effects of great inequalities:

> It must be also be confessed, that, wherever we depart from this equality, we rob the poor of more satisfaction than we add to the rich, and that the slight gratification of a frivolous vanity, in one individual frequently costs more than bread to many families, and even provinces. (Hume 1998, 91.)

One plausible reading of this section has Hume arguing that while social and economic inequalities are harmful, any attempt to remedy them will in fact make conditions worse—an argument associated with such twentieth-century social philosophers as F. A. Hayek.[16]

However, in one of his political essays, Hume returns to the theme of minimizing inequality in a way that leaves little doubt that he regards it as a means to increased public utility.

> A too great disproportion among the citizens weakens any state. Every person, if possible, ought to enjoy the fruits of his labour, in full possession of all the necessaries, and many of the conveniencies of life. No

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> one can doubt, but such an equality is most suitable to human nature, and diminishes much less from the *happiness* of the rich than it adds to that of the poor. It also augments the *power of the state*, and makes any extraordinary taxes or impositions to be paid with more cheerfulness. (Hume 1987, 265.)

Hume's conception of utility therefore has an egalitarian tendency that has been underappreciated historically. Hume (1977, 265) wants to avoid a concentration of wealth because "where the riches are in few hands, these must enjoy all the power, and will readily conspire to the whole burthen on the poor, and oppress them still farther, to the discouragement of all industry."

Is Hume a Conservative?

Hume's political thought is neither conservative, as Livingston and Wolin have argued, nor contractarian, as Gauthier has maintained. Rather, he is best seen as someone who does not really fit into either of these categories—who subverts them while reconciling their competing claims. Hume explicitly rejects the notion of the social contract as an explanation for the origins of political society, although he admits that the state of nature can serve as a "useful fiction." Hume also rejects the social contract as a source of political legitimacy, seeing time, custom, and habit as much sturdier sources of obligation than legitimation through the consent of the governed. "Time and custom give authority to all forms of government, and all succession of princes; and that power, which at first was founded only on injustice and violence, becomes in time legal and obligatory (Hume 1978, 566).

While the importance of time and custom in Hume's account may undermine Gauthier's attempt to incorporate Hume into the contractarian tradition, it bolsters the case for considering Hume to be a conservative political thinker.

Livingston's account of Hume emphasizes the role of custom, which Livingston couples with Hume's "criticism of philosophy in politics," particularly his criticism of certain metaphysical conceptions of reason and liberty, in order to make his case for Hume as a conservative (Livingston 1984, 308).

Livingston (ibid., 310) is quite right to portray Hume as a skeptic

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who "used the very tools of reason to limit the range of reason in politics." And contingency plays a substantial role in Hume's political thought with which any account of Hume's "science of politics"—with its emphasis on unintended consequences, unexpected outcomes, and sheer circumstance—must come to grips. But this raises a basic question: are contingency and custom compatible with consequentialism?

In the case of Hume, my answer is yes. Hume's recognition of contingency and complexity goes hand in hand with his belief that there are recognizable patterns of behavior in human action. Hume needed these regularities so as to develop his political economy and conduct his analysis of political institutions. But since these regularities do not let us predict the future with anything like perfect certainty, we need social, political, and legal institutions that indirectly promote utility by channeling the passions and the interests in ways that are most likely to produce public happiness.

Hume's conception of indirect utility animates his desire to promote liberty and protect the institutions that foster and maintain it. "Nothing is more essential to the public interest, than the preservation of liberty" (Hume 1978, 564); "liberty is the perfection of civil society"(ibid., 41). Hume's attachment to liberty drives his commitment to equal treatment under the rule of law. His emphasis on gradual reform, with the right of resistance maintained for dire circumstances, is likewise consistent with his consequentialism. Moreover, he sought to limit the role of religion in the public sphere, which is directly inimical to the conservative outlook. Hume's political economy with its emphasis on the mutual benefits that derive from trade, coupled with more peaceful relationships, has been seen as the prototypical liberal political economy, one grounded in a conception of indirect utility that encourages nation-states to take the long view when trade imbalances emerge.[17]

Hume's use of indirect utility is *compatible* with conservatism, though, because it results from a recognition of the limits of reason in the political, social, and economic spheres. Where it departs from conservatism is that it is also compatible with the application of certain abstract principles to political matters. Since one of the defining aspects of political conservatism is a rejection of abstract principles as a guide to political action, it is difficult to say how Hume could be seen as a conservative from this standpoint.[18]

One of the most appealing aspects of Hume's consequentialism is

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that while it offers a set of general principles to guide political practice and institution-building, it also offers a built-in skepticism about these principles. They have to be adjusted to changing circumstances and contingencies, according to whether they promote public happiness.[19] This recognition of contingency gives Hume's consequentialism a richness that is lacking in other forms of this political philosophy.

NOTES

1. Other advocates of a conservative reading of Hume are David Miller (1981), Frederick G. Whelan (1985), and Anthony Quinton (1978).
2. For an application of Gauthier's approach see Jean Hampton 1986.
3. A question that could come up here is the relationship of Hume's consequentialism to liberalism. F. A. Hayek (1968) and John B. Stewart (1992) have made the case for Hume being a liberal political thinker. In this essay I have not explicitly dealt with the issue of Hume's "liberalism." This is a complex and vexing issue that will have to be dealt with elsewhere. On one hand, much of Hume's thought is consistent with aspects of liberalism, especially involving political-economy issues such as free trade. However, if liberalism is seen first and foremost as a political philosophy that is concerned with "rights," or with liberty as an end in itself rather than as a means to utility, Hume is not the most obvious place to turn.
4. Ironically Wolin (1976, 252) is on potentially stronger ground here, in that he acknowledges Hume's attempt to ground politics in Newtonian scientific method. At one point, he even calls Hume's position "analytical conservatism." However, he neglects to explore the ambiguity and tensions between Hume's evolutionary and his rationalist approaches.
5. In "Of the Original Contract," at one point, Hume (1987, 475) takes deadly aim at the notion of tacit consent: "Can we seriously say, that a poor peasant or artisan has a free choice to leave his country when he knows no foreign language or manners, and lives from day to day, by the small wages which he acquires? We may as well assert, that a man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean, and perish, the moment he leaves her."
6. Knud Haakonssen (1981, 26) has called attention to the tension between Hume's evolutionary and rationalistic accounts.
7. The importance of group size for Hume's political thought is emphasized in Michael Taylor (1976) and Lawrence S. Moss (1991).
8. For instance, Gerald J. Postema's 1986 account of Hume's political thought has deeply influenced my own, but he underestimates Hume's awareness of the "nastier" side of human nature.
9. The importance of this passage is emphasized by Brian Barry (1989, 145–78).

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Barry's larger point is that there are two theories of justice in Hume, one a theory of justice as mutual advantage, the other a theory of justice as impartiality.

10. To appreciate the weakness of single acts of justice outside the system of justice see Hume 1978, 497. "A single act of justice is frequently contrary to *public interest*; and were it to stand alone, without being follow'd by other acts, any, in itself, be very prejudicial to society."
11. A plausible case can be made that Marx envisaged a post-capitalist society as "beyond justice" in this way.
12. This paraphrases Marx (1978, 595): "Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly found, given and transmitted from the past."
13. See for instance Richard Hiskes (1977) and Livingston (1984).
14. See also Hont and Ignatieff 1983, 20–21.
15. In an essay that focuses exclusively on Hume's political economy, Robert Lyon (1991) writes, "While Hume rejected collectivism and egalitarianism, he recognized that when inequality of income was too marked, undue political power in the hands of the wealthy followed, and even the state of the economy was adversely affected."
16. Hume seems to regard attempts at perfect equality to be futile and perverse, to invoke two of Albert Hirschman's (1991) triad of terms (jeopardy, futility, and perversity) in his *Rhetoric of Reaction*. Hirschman uses Hayek as the primary example of "the jeopardy thesis" in this work.
17. Hume's influence on Adam Smith has been well documented; see for instance Winch 1978, 18. Here I am following an insight of Hayek (1960, 411), who wrote, "In this sense I doubt whether there can be such a thing as a conservative political philosophy. Conservatism may often be a useful maxim, but it does not give us any guiding principles which can influence long-range developments."
19. An interesting account of Hume and skepticism that moves in the direction of a contingent liberalism is found in Laursen 1992.

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Fonna Forman-Barzilai

ADAM SMITH AS GLOBALIZATION THEORIST

ABSTRACT: *In the* Theory of Moral Sentiments, *Adam Smith observed that we live in a fundamentally conflictual world. Although he held that we are creatures who* sympathize, *he also observed that our sympathy seems to be constrained by geographical limits. Accordingly, traditional theories of cosmopolitanism were implausible; yet, as a moral philosopher, Smith attempted to reconcile his bleak description of the world with his eagerness for international peace. Smith believed that commercial intercourse among self-interested nations would emulate sympathy on a global scale, balancing national wealth and international peace without a coercive apparatus to enforce compliance with international law.*

The tension between Adam Smith's ethical and economic thought first became a "problem" for European scholarship in the closing years of the nineteenth century, when a small group of German capitalists and Marxists thinking about modernity, progress, and capitalism began to debate the extent to which Smith's two seminal books might be "reconciled."[1] The so-called "Adam Smith problem" turned on—and today still turns on—how we might reconcile the *Theory of Moral Sentiments* (1759) and its emphasis on sympathy with the *Wealth of Nations* (1776)

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and its emphasis on self-interest—in other words, the extent to which the *Wealth of Nations* might have evolved from the ethical framework developed in the *Moral Sentiments*.

This paper explores that "problem" by contributing to a tradition of scholarship that tends to see the apparent tensions in Smith's thought not as incommensurate and irreconcilable, but as key components of a larger system of moral philosophy—one in which his commercialism was contained within his ethics.[2] But I shall register a different kind of response to the "Adam Smith problem," one that accepts its general contours, but is more sensitive than other responses to Smith's thoughts about *international* commerce and ethics—a sort of "globalization" of the problem. I shall examine portions of the *Moral Sentiments* in which Smith addressed international issues—portions that have received far too little attention among political and moral theorists, which is surprising given the current turn in contemporary thought toward global and cosmopolitan themes. I am referring specifically to Smith's vivid rejection of Stoic cosmopolitanism in Parts III, VI and IV of the *Moral Sentiments*, and his ultimate attempts in Part VI to replicate cosmopolitan ends through international commerce.

In short, I shall demonstrate that Smith's commercial globalism was not simply a Scottish political economist's unmitigated celebration of national self-interest (as it is too often interpreted by devotees and detractors alike), but rather a moral philosopher's reluctant concession to living in a world resistant to cosmopolitan aspirations—a fundamentally conflictual world, a world (Smith might say) without "sympathy." Smith wasn't suggesting that nations were continually at war with each other. But he seemed to have adopted Hobbes's view that conflict is properly said to exist when there is "no assurance to the contrary":

> For as the nature of Foul weather, lyeth not in a showre or two of rain, but in an intention thereto of many dayes together: So the nature of War, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. (Hobbes [1651] 1991, 88–89.)

This Hobbesian reading of Smith will strike some as counterintuitive, given all that he said in the *Moral Sentiments* about our general tendency to sympathize with others. Indeed, he regularly condemned "Hobbes and his followers" (notably Pufendorf and Mandeville) for "deducing all our sentiments from certain refinements of self-love"—

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for arguing that "man is driven to take refuge in society, not by any natural love which he bears to his own kind, but because without the assistance of others he is incapable of subsisting with ease or safety" (Smith [1759] 1982, VII.iii.I.i). Smith opened the *Moral Sentiments* by declaring that "How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it" (ibid., I.i.I.1).

Still, I would like to pursue the suggestion, woven throughout Smith's text, that while we might for various reasons care for those in proximate and familiar relationships with us, we live in a *world* without sympathy—one to which Smith referred with trepidation as a "fatherless world" (Smith [1759] 1982, VI.ii.3.2). When we read his text with care, we discover that Smith fully embraced the insight of his teacher, David Hume, that real sympathy is possible only within narrow spatial boundaries—that, as Hume put it, "sympathy with persons remote from us is much fainter than that with persons near and contiguous" (Hume [1751] 1948, 220; for discussion see Forman-Barzilai 2000b).

This dimension of Smith's thought is too rarely considered; but our understanding of his commercial globalism is incomplete without it. Indeed, Smith's emphasis on international conflict, and on the absence of "any assurance to the contrary"—such as sympathy, good will, moral agreement, law, or effective coercion—was central to his attempt to discover a path toward peace. For Smith, free commercial intercourse among nations was a new mode of cosmopolitanism that promised to mitigate conflict among spatially disparate entities, and to generate a tolerable peace in the absence of better motives.

Against the Stoic Cosmopolis

We begin, then, with Smith's rejection in the *Theory of Moral Sentiments* of the much older form of cosmopolitanism articulated by the Stoics.

The failure of Stoicism animated much of Smith's thought about global commerce and the problem of international ethics. The influence of Stoicism on Smith's moral and political thought is well acknowledged.[3] Most scholarship has focused on the Stoic implications of Smithian "self-command," arguably the central virtue in Smith's moral philosophy (see notably Smith [1759] 1982, VI.iii). But here I will examine another, largely overlooked, strand of Stoicism in Smith's moral phi-

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losophy that helped situate his moral assessment of international commerce. I am referring to the Stoic idea of *oikeiōsis*, popularized by Hierocles, the first-century Stoic, and most likely made known to Smith through his reading of Cicero's *De Officiis* (Brown 1995, 95–97).

Oikeiōsis was the notion that human affection radiates outward from the self in concentric circles according to the familiarity that develops as one lives in close proximity with others over time.[4] Imagine a dart board. According to Stoic *oikeiōsis*, the bullseye represents the self, the innermost ring represents one's family (those literally within the *oikos*), the next ring one's friends, the next one's neighbors, then one's tribe or community, then one's nation, empire, and so on; the outermost and largest ring encompasses humanity (Hierocles 1987, 57.G; for discussion see Annas 1993, 262–76; Engberg-Pedersen 1986, 175–77; Inwood 1984; Nussbaum 1994, 341–44; and Striker 1996).

The Stoics constructed this concentric model for a provocative moral purpose: to argue that it was possible for people to collapse the circles inward, concentrically toward the center. They argued that through the proper use of reason, we could learn to overcome the natural pull of human affection that develops though familiarity, so that humanity writ large would ultimately make the same claims on us as the more immediate objects of our affections. Hierocles (1987, 57.G) described how the "well-tempered man" goes about "contracting" the circles, drawing them together, and thus in the same moment expanding his sympathy for those who are spatially removed:

> Once these [circles] have all been surveyed, it is the task of a well tempered man, in his proper treatment of each group, to draw the circles together somehow towards the centre, and to keep zealously transferring those from the enclosing circles into the enclosed ones. . . . It is incumbent on us to respect people from the third circle as if they were those from the second, and again to respect our other relatives as if they were those from the third circle. For although the greater distance in blood will remove some affection, we must try hard to assimilate them. The right point will be reached if, through our own initiative, we reduce the distance of the relationship with each person.

This act of "drawing the circles together" is something like collapsing a telescope. Conceptualize people in the furthermost circle like people in the circle just inside of it; and the people in that circle like those in the circles just inside of it; and so on: and repeat the process over and over until all of humanity is nestled inside the inner circle accompany-

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ing the agent himself. Once a moral agent had completed this process, the Stoics considered him a "citizen of the world," a Cosmopolitan (Smith [1759] 1982, III.3.11).

Smith found the Stoic description of human affection persuasive—so much so that he self-consciously appropriated the concentric structure of Stoic *oikeiōsis* in his extended discussion of human benevolence in Part VI, Section ii of the *Moral Sentiments*. Chapter I examines the order in which "Individuals are recommended by Nature to our care and attention"; chapter II radiates outward to consider the order in which "Societies" are so recommended; and chapter III extends the circle of sympathy even farther to consider "Universal Benevolence." The same concentric structure holds true for the internal organization of the chapters as well. As we might expect, Chapter I (on "Individuals") begins, and thus Smith's entire argument about the circles of familiarity and affection begins, with a discussion of a man's relationship to himself. Smith ([1759] 1982,VI.ii.1.1) claimed that:

> every man, as the Stoics used to say, is first and principally recommended to his own care; and every man is certainly, in every respect, fitter and abler to take care of himself than of any other person. Every man feels his own pleasures and his own pains more sensibly than those of other people.

This is a very familiar Smith. But he proceeded to extend his circles outward, justifying this arrangement not by familial ties—the "force of blood, I am afraid, exists no-where but in tragedies and romances" (ibid.,VI.ii.1.11)—but by the centripetal pull of proximity and familiarity, what he referred to as "habitual sympathy" (ibid., I.ii.1.7). The circles closest in proximity and most familiar to the self were comprised of family members of various degrees, and eventually radiated outward to business colleagues and neighbors—and, in Chapter II, to cities, societies and nations. The outermost circle (in Chapter III) encompassed humanity as a whole.

Jacob Viner (1972, 80–81) once noted that for Smith "spatial distance operates to intensify psychological distance."

> The sentiments weaken progressively as one moves from one's immediate family to one's intimate friends, to one's neighbors in a small community, to fellow-citizens in a great city, to members in general of one's own country, to foreigners, to mankind taken in the large, to the inhabitants, if any, of distant planets.

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This is precisely why Smith rejected Stoic cosmopolitanism. The aim of collapsing the circles toward the center, of rationally expanding our duties beyond the proximate, struck him as unrealistic. While Smith accepted the Stoics' concentric description of human affection—agreeing that we naturally care more for those with whom we are more familiar—he turned sharply from Stoicism when he insisted that rationally overcoming this natural structure, denying affect, and collapsing the circles toward the center was psychologically improbable for most moral agents. Smith could not accept the Stoic faith in the power of cool reason to overcome the heat of human experience. He argued that human "affection" is neither a consequence of accident nor a product of reason capable of being shifted from object to object at will; it is instead the result of "habitual sympathy," which is a prephilosophical and social feeling that emerges over time in intimate contexts of human relatedness.

> What is called affection, is in reality nothing but habitual sympathy. Our concern in the happiness or misery of those who are the objects of what we call our affections; our desire to promote the one, and to prevent the other; are either the actual feeling of that habitual sympathy, or the necessary consequences of that feeling. Relations being usually placed in situations which naturally create this habitual sympathy, it is expected that a suitable degree of affection should take place among them. We generally find that it actually does take place; we therefore naturally expect that it should. (Smith [1759] 1982, I.ii.1.7.)

Of course, habitual sympathy is not the only basis for affection. Smith recognized, for example, that people naturally feel attachments to those whose character is virtuous (Smith [1759] 1982, VI.ii.1.18), to those from whom they had previously experienced beneficence (ibid., VI.ii.1.19), and to those whose personal condition is either exceptionally great or impoverished (ibid., VI.ii.20–21). But his overriding point was that our affection is driven most powerfully by our habit of sympathizing with those who are most familiar to us. One recalls Rousseau's controversial account of familial love in the *Second Discourse*—notably his assertion that "the habit of living together gave rise to the sweetest sentiments known to man, conjugal love, and Paternal love" (Rousseau [1755] 1997, 164). Smith, similarly, illustrated the affective power of habitual sympathy by offering the example of a father and son, or a brother and sister, who have been estranged by

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some accident during what would have been the formative years of their relationship; despite their ardent hopes and efforts, Smith insisted that such relatives could never recover what had been lost to them. Never could they replicate "that cordial satisfaction, that delicious sympathy, that confidential openness and ease, which naturally take place in the conversation of those who have lived long and familiarly with one another" (Smith [1759] 1982, VI.ii.1.8). This surely explains Smith's case against sending Scottish children to boarding schools in England and on the Continent, a practice that had become fashionable among urbane eighteenth-century Scots (ibid., VI.ii.1.10).

In his discussion of cosmopolitanism, Hierocles emphasized that contracting the circles required great effort, that we must "try hard" to overcome our partiality toward those who are near and to extend our affection to those who are farther removed. Smith agreed with the Stoics that contracting the circles required great exertion, great acts of self-denial aided by reason. But this is precisely why he maintained that cosmopolitanism was possible for, and therefore appropriate to, only the Stoic sage—he who lives his life in perfect *apathy*, in perfect tranquility, transparency, and happiness, consistently sacrificing his own "private, partial and selfish affections" for the greater good of the universe. The Stoic sage, Smith ([1759] 1982, VI.ii.3.3) maintained,

> is at all times willing that his own private interest should be sacrificed to the public interest of his own particular order or society. He is at all times willing, too, that the interest of this order or society should be sacrificed to the greater interest of the state or sovereignty, of which it is only a subordinate part. He should, therefore, be equally willing that all those inferior interests should be sacrificed to the greater interest of the universe, to the interest of that great society of all sensible and intelligent beings, of which God himself is the immediate administrator and director. If he is deeply impressed with the habitual and thorough conviction that this benevolent and all-wise Being can admit into the system of his government, no partial evil which is not necessary for the universal good, he must consider all the misfortunes which may befall himself, his friends, his society, or his country, as necessary for the prosperity of the universe, and therefore as what he ought, not only to submit to with resignation, but as what he himself, if he had known all the connexions and dependencies of things, ought sincerely and devoutly to have wished for.

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The "wise and virtuous man" therefore regards himself

> not as something separated and detached, but as a citizen of the world, a member of the vast commonwealth of nature. To the interest of this great community, he ought at all times be willing that his own little interest should be sacrificed. (Ibid., III.3.11.)

Smith always expressed deep admiration for those who exhibited exceptional benevolence, especially with those who were not "peculiarly connected" ([1759] 1982, III..11). Likewise, he routinely expressed disgust with the "hard-hearted," those who "shut their breasts against compassion, and refuse to relieve the misery of their fellow creatures" (ibid., II.ii.1.7; VI.iii.1.5). But Smith never expected that most people could ever collapse the circles and become "citizens of the world." The vast majority cannot aspire to the "universal benevolence" of Stoic sages because most of us are incapable of achieving "perfect apathy" toward the familiar, upon which Smith believed "universal benevolence" rested. "The Stoical philosophy," Smith wrote,

> teaches us to interest ourselves earnestly and anxiously in no events, external to the good order of our own minds, to the propriety of our own choosing and rejecting, except in those which concern a department where we neither have nor ought to have any sort of management or direction, the department of the great Superintendent of the universe. By the perfect apathy which it prescribes to us, by endeavouring, not merely to moderate, but to eradicate all our private, partial, and selfish affections, by suffering us to feel for whatever can befall ourselves, our friends, our country, not even the sympathetic and reduced passions of the impartial spectator, it endeavours to render us altogether indifferent and unconcerned in the success or miscarriage of every thing which Nature has prescribed to us as the proper business and occupation of our lives. (Ibid.,VI.ii.1.46.)

The perfect apathy of Stoic sages required an exquisite sensibility that eluded ordinary people, who are affectively pulled toward the proximate and given over to their own "private, partial, and selfish affections."

> To man is allotted a much humbler department, but one much more suitable to the weakness of his powers, and the narrowness of his comprehension; the care of his own happiness, of that of his family, his friends, his country. . . . (Ibid.,VI.ii.3.6.)

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Therefore,

> By Nature the events which immediately affect that little department in which we ourselves have some little management and direction, which immediately affect ourselves, our friends, our country, are the events which interest us the most, and which chiefly excite our desires and aversions, our hopes and fears, our joys and sorrows. (Ibid., VII.ii.1.44.)

Because of man's natural affection for the familiar, Smith concluded that "the plan and system which Nature has sketched out for our conduct, seems to be altogether different from that of the Stoical philosophy" (ibid.,VII.ii.1.43).

To round out our appreciation of Smith's resistance to cosmopolitan aspirations, it should be noted that he offered several corollary reasons to reject the Stoic (and, incidentally, Christian) duty of "universal benevolence." In a stunning passage, he argued that universal benevolence was bizarre, pathological, and ultimately useless. This passage is worth discussing at some length, since it represents Smith's parochialism at its most colorful and comedic:

> First of all, this extreme sympathy with misfortunes which we know nothing about, seems altogether *absurd and unreasonable*. Take the whole earth at an average, for one man who suffers pain or misery, you will find twenty in prosperity and joy, or at least in tolerable circumstances. No reason, surely, can be assigned why we should rather weep with the one than rejoice with the twenty. (Smith [1759] 1982, III.3.9.)

Smith seems more than a little out of touch with the difficulties of life for so many people even in proximate England and Scotland (for a discussion of Smith's callousness in this light, see Heilbroner 1972, 41–43). Smith continued:

> This artificial commiseration, besides, is not only absurd, but seems altogether *unattainable*; and those who affect this character have commonly nothing but a certain affected and sentimental sadness, which, without reaching the heart, serves only to render the countenance and conversation impertinently dismal and disagreeable.

Smith's thought here seems to be that it is emotionally unhealthy to commiserate with imagined misfortunes. There is an artificiality to universal benevolence, since it is a product of imagination; as such, it never

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truly "reaches the heart." Smith objected to "whining and melancholy moralists, who are perpetually reproaching us with our happiness, while so many of our brethren are in misery" (Smith [1759] 1982, III.3.9). "Commiseration for those miseries which we never saw, which we never heard of, but which we may be assured are at all times infesting such numbers of our fellow-creatures, ought, they think, to damp the pleasures of the fortunate, and to render a certain melancholy dejection habitual to all men." In this passage there are distinct resonances of Hume's discussion of "distant ages and remote countries" in the *Enquiry Concerning the Principles of Morals* ([1751] 1948, 211), where he claimed that "it is not conceivable how a *real* sentiment or passion can ever arise from a known *imaginary* interest; especially when our *real* interest is still kept in view."

Finally, Smith ([1759] 1982 VI.ii.3.1) argued that

> this disposition of mind, though it could be attained, would be perfectly *useless*, and could serve no other purpose than to render miserable the person who possessed it. Whatever interest we take in the fortune of those with whom we have no acquaintance or connexion, and who are placed altogether out of the sphere of our activity, can produce only anxiety to ourselves, without any manner of advantage to them. To what purpose should we trouble ourselves about the world in the moon? All men, even those at the greatest distance, are no doubt entitled to our good wishes, and our good wishes we naturally give them. But if, notwithstanding, they should be unfortunate, to give ourselves any anxiety upon that account, *seems to be no part of our duty*.

Thus, universal commiseration is not only unwarranted (because apparently few people were suffering in the eighteenth century), and pathological, but pointless, because we can do nothing about it. Smith didn't say that we ought to wish harm to distant strangers, or that they didn't merit our good wishes. Indeed, as he put it elsewhere:

> Our good-will is circumscribed by no boundary; but may embrace the entirety of the universe. We can not form the idea of any innocent and sensible being, whose happiness we should not desire, or to whose misery, when distinctly brought home to the imagination, we should not have some degree of aversion. (Smith [1759] 1982,VI.ii.3.1.)

But even if the people suffering were far off, and we somehow learned of it and brought it home imaginatively to ourselves, such commiseration would be "perfectly useless" since the sufferers are "placed alto-

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gether out of the sphere of our activity." For Smith, benevolence without the possibility of action is a wasted emotion, and as such has little real merit. Effective actions, not good intentions, are what count.

> Man . . . must not be satisfied with indolent benevolence, nor fancy himself the friend of mankind, because in his heart he wishes well to the prosperity of the world. . . . The man who has performed no single act of importance, but whose whole conversation and deportment expresses the justest, the noblest, and most generous sentiments, can be entitled to demand no very high reward, even though his inutility should be owing to nothing but the want of an opportunity to serve. (Smith 1982, II.iii.3.3.)

Obviously we cannot know whether Smith might have paid his Oxfam dues—whether he might have expanded the duty to commiserate beyond the proximate had he known of the power of the media to bring the faces of suffering people into our living rooms, or about the variable successes of international and transnational institutions like the World Health Organization, the United Nations, and what Alex de Waal (1995, 10) has memorably referred to as the "humanitarian international" of NGOs such as Amnesty International and the Red Cross.

After examining Smith's arguments against extending ourselves beyond the proximate, we seem to be left with a strikingly callous ethics. But Smith's commercial globalism emerged within his moral philosophy at precisely this point, to emulate the effects of sympathy on a global scale.

Smith and the Commercial Cosmopolis

More than two centuries of scholarship have been devoted to unpacking and either applying or rejecting Smith's commercial thought in the *Wealth of Nations*. It is not my intention here to engage in that sort of activity. Instead, I am asking why Smith believed that the world was so conflictual; and how he sought to address this problem, given the various constraints that his moral philosophy revealed to him. For it turns out that accompanying Smith's rejection of Stoic cosmopolitanism is an attempt to replicate cosmopolitan ends by means of international commerce—what I call the "commercial cosmopolis."

I shall begin my discussion with a brief intellectual history of Smith's thoughts on utilitarian rationality in individuals, for he employs much

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of the same language when addressing the motivations of nations in the commercial cosmopolis. I shall then introduce Smith's thoughts on national self-interest and its function in the cosmopolis, relying on passages drawn from the *Moral Sentiments*, not the *Wealth of Nations*. The relation between Smith's economic thought and his moral philosophy in the international sphere—and particularly the way that the former was often invoked to compensate for deficiencies in the latter—will be revealed most vividly when we note exactly when and how Smith integrated economic themes into his treatise on morality.

Enlightened Selfishness

Enlightened self-love is the old notion that egoism can be directed through reason to selfless ends (see Hirschman 1977 and Lovejoy 1961). According to this instrumental view of society, men are naturally self-interested and appetitive, but are able through reason to ascertain and pursue future interests. Before Adam Smith, the idea was employed primarily as a substitute for religious motivation in moral thinkers as patently diverse as the French Jansenist Pierre Nicole, the British natural theologian Bishop Joseph Butler, and the German natural lawyer Samuel Pufendorf. Only later, when the eighteenth-century Englishman Bernard Mandeville popularized it, was the idea of enlightened self-love applied to commerce—and widely derided.

In his 1675 essay "Of Charity and Self-Love," Nicole ([1675] 1990, 371) observed that man is extraordinarily resistant to moral education because he "not only loves himself but loves himself beyond measure, loves only himself, and relates everything to himself." More than a century later, Mandeville ([1731] 1924, I. 41–42) noted that man is an extraordinarily "selfish and headstrong . . . Animal," and though "he may be subdued by superior Strength, it is impossible by Force alone to make him tractable. . . ."[5] "Moralists and Philosophers of all Ages" attempted to persuade people "that it was more beneficial for every Body to conquer than indulge his Appetites, and much better to mind the Publick than what seemed his private Interest" (ibid, I.42). But the philosophers' attempts to persuade were always thwarted, Mandeville observed, because

> whether Mankind would have ever believ'd it or not, it is not likely that any Body could have persuaded them to disapprove of their nat-

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> ural Inclinations, or prefer the good of others to their own, if at the same time he had not shew'd them an Equivalent to be enjoy'd as a Reward for the Violence, which by so doing they of necessity must commit upon themselves. (Ibid., I.42.)

This was where man's self-interest became a tool for a more inventive species of moralist: hence Mandeville's claim that man is "an extraordinary selfish and headstrong, *as well as cunning* Animal" (Mandeville [1731] 1924, I.42, emphasis added). Man's cunning enables him to recognize future interests, and to pursue them even at the cost of sacrificing certain immediate desires. Nicole ([1675] 1990, 376) advised that "to banish all the vices, and all the gross Disorders therein, and to make Mankind happy even in this life, there needs only instead of Charity, to give everyone a harmless self-love, which may be able to discern its true Interests, and to incline thereto by the ways which true Reason shall discover to it."[6]

Likewise, in his *Sermons* of the 1720s, the English natural theologian Bishop Joseph Butler ([1726] 1983, 65) grounded practical morality in what he called "reasonable self-love."[7] He argued that the presence of "virtue in the world depends on its appearing to have no contrariety to private interest and self-love":

> Let it be allowed, though virtue or moral rectitude does indeed consist in affection to and pursuit of what is right and good, as such, yet, that when we sit down in a cool hour, we can neither justify to ourselves this or any other pursuit till we are convinced that it will be for our happiness or at least not contrary to it. (Ibid., 56.)

But *which* future interests were compelling enough to move man against himself, to quiet his passions? Mandeville ([1731] 1924, I.51) asked: what could possibly inspire man to check himself by "crossing his Appetites and subduing his dearest Inclinations"? What "Equivalent" was "shew'd" to his self-love to justify the sacrifice? Nicole ([1675] 1990, 374) had fastened upon man's natural desire to be an object of love and esteem, an "inclination . . . so cunning and so subtle, and at the same time so pervasive, that there is no action into which it cannot creep. . . ." Man's "violent temptations" are thus "weakened and counterbalanced" in Nicole's formulation by the "fear of men's judgements" (ibid., 385–86). "Prompted by reason to seek the esteem and affection of men, self-love so perfectly imitates charity that if we consult it on how

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to conduct our outward actions, it will give us the same advice as charity will and launch us on the same course" (ibid., 377).

Mandeville ([1731] 1924, I.42–45, 51–52) was doubtless drawing on Nicole's argument about the civilizing effects of "esteem and affection" when he emphasized the "Power" that "Flattery" and "Contempt" had upon man's natural "Pride," and the extent to which man perceived his greater interest to lie in securing that "Flattery" and averting that "Contempt" by exercising "Self-denial"—by harnessing, or at least "hiding or disguising" his natural appetites (ibid., 42–45, 51, 56). To explain motives for virtuous action among intractably appetitive creatures, Mandeville ([1731] 1924, I. 48–49) appropriated what Nicole had called *l'amour-propre éclairé*, rendering it as man's "Conquest of his own Passions out of a Rational Ambition of being good." This is what Mandeville meant when he claimed that private vices, morally unchecked but enlightened by reason, could yield public benefits. The practice of "Moral Virtue" among ordinary men could be attributed to no grander motive than this.

Little wonder so many interpreters have linked Mandeville and Smith with the idea that sociable behavior is little more than an instrument pursued by rational egoists calculating future benefit (most recently Hundert 1994 and Berry 1994). Famously, Smith ([1776] 1981, I.II.iii.28) argued in the *Wealth of Nations* that, although man was given naturally to the "passion for present enjoyment," human life wasn't fated to Hobbesian War—since the most urgent of man's passions were balanced by foresight, "a desire of bettering our condition, a desire which, though generally calm and dispassionate, comes with us from the womb, and never leaves us till we go into the grave." Like Nicole, Butler, and Mandeville, Smith ([1759] 1982, I.ii.4; III.6.6), too, believed that "self-interest," or what he called "the selfish passions," held a sort of "middle" position between man's "social" and "unsocial" passions. A "selfish" man employing his "reason" will recognize a certain "utility" in resisting his "unsocial" inclinations and, as best he can, in feigning sociable ones (ibid., IV.2.6–8; see Haakonssen 1981, 67–74, 87–89; and Raphael 1972). The butcher smiles to his customers as he envisions their next visit to buy meat. And with regard to his competitors, experience in the commercial world has taught him the norms of "fair play":

> In the race for wealth, and honours, and preferments, he may run as hard as he can, and strain every nerve and every muscle, in order to

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> outstrip all his competitors. But if he should justle, or throw down any of them, the indulgence of the spectators is entirely at an end. It is a violation of fair play. (Ibid., II.ii.2.1.)

This knowledge makes the merchant gentle, *douceur,* before customers and competitors (Hirschman 1977; see also Lovejoy 1961). That utility can socialize in this negative way, Smith ([1759] 1982, IV.2.6) argued, requires that an individual through his "reason" is "capable" of "discerning the remote consequences of his actions"—"the advantage or detriment that is likely to occur from them" in the future. If the butcher takes advantage of his customers, they will likely turn elsewhere, and tell their neighbors to turn elsewhere—which might ruin his business, shame him, starve his family, and ultimately realize the bourgeois cycle of fear that keeps him awake at night. The "prudence" of an action, therefore, represents an actor's reasoned calculation that he best would be served by abstaining from various "immediate" impulses (not only self-interested but impulsive ones) in order to obtain a greater pleasure, or to avoid a worse pain, at a "future time" (ibid., IV.2.6–8).

In his use of *prudence* here, Smith was undoubtedly influenced by the Nicole-Butler line on "enlightened" or "reasonable" self-love. Butler ([1726] 1983, 72) had defined "prudence" as the "reasonable endeavor to secure and promote" one's own "interest and happiness" in the future. He contrasted this "cool" way of thinking from the heat of spontaneous impulse. "Imprudence" was "dissolutely to neglect" one's "greater good in the future" for the sake of a "present and lesser gratification" ibid.). Smith's description was nearly identical.

Moreover, Smith agreed with Nicole and Butler that individual utilitarian calculation sociologically *emulated* the effects of morality, permitting society to thrive in the absence of genuine love and affection among men, and without anachronistic forms of moral policing that tended to stifle modern commercial aspirations. As Nicole ([1675] 1990, 23) had observed,

> However corrupt this society might be inwardly . . . outwardly nothing would be more orderly, courteous, just, peaceful, honorable, and generous; moreover, it would be an excellent thing that, everything being inspired and driven only by self-love, self-love would not show itself and that, society being entirely without charity, what one would see everywhere would be only the forms and outward marks of charity.

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Indeed, one would live among self-lovers "as peacefully, safely and comfortably as if one were in a republic of saints" (ibid., 372). Similarly, Smith ([1759] 1982, II.ii.3.2) argued that,

> though among the different members of society there should be no mutual love or affection, the society, though less happy and agreeable, will not be dissolved. Society may subsist among different men, as among different merchants, from a sense of its utility, without any mutual love or affection.

For Smith (ibid., II.ii.3.6–10; IV.2.3), the most rudimentary form of social existence was thus inspired not by a "natural love of society" or a "desire that the union of mankind should be preserved for its own sake," but by an "enlightened" form of "selfishness." As commercial men would calculate the utility of restraining the most urgent and antisocial of their passions and appetites, society would benefit through the "unintended consequences" of prudence—what Martin Hollis has called a "cunning of reason" (Hollis 1987; cf. Ignatieff 1986, 191).

International Conflict

Of course, we must be careful not to inflate the utilitarian dimension of Smith's thought beyond proper bounds. Indeed, the whole of the *Moral Sentiments* was devoted to explaining in rich detail how man cultivates moral judgment—not merely that he employs instrumental reason to repress his selfish passions. And Smith ([1759] 1982,VII.ii.4.6) openly rejected what he called Mandeville's "licentious" attempt to "take away altogether the distinction between vice and virtue." But cold utility was in Smith's text too, undeniably and very clearly, perhaps for those turned callous by commercial life, perhaps as a supplement to moral sentiment when self-love spoke too loudly—a sort of insurance policy implanted in the world by Nature through what Smith often referred to as her benevolent "œconomy."

The same sort of idea seems to be at work when Smith voices his view of good will—and particularly the absence of it—among nations. Smith feared war and international anarchy. He often claimed that eighteenth-century international law was flawed, for it couldn't guarantee respectful behavior among nations:

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> The laws of justice are seldom observed. Truth and fair dealing are almost totally disregarded. Treaties are violated; and the violation, if some advantage is gained by it, sheds scarce any dishonour upon the violator. (Smith [1759] 1982, III.3.42.)

As for "the laws of nations, or

> those rules which independent states profess or pretend to think themselves bound to observe in their dealings with one another, [regard for them] is often very little more than mere pretense and profession. From the smallest interest, upon the smallest provocation, we see those rules every day, either evaded or directly violated without shame or remorse. Every nation foresees, or imagines it foresees, its own subjugation in the increasing power and aggrandizement of any of its neighbors; and the mean principle of national prejudice is often founded upon the noble one of the love of our own country. (Ibid., VI.ii.2.3.)

For this reason, all alliances and projects among "neighboring or not very distant nations" which might *appear* "benevolent"—undertaken for the "preservation either of, what is called, the balance of power, or of the general peace and tranquility of the states within the circle of their neighbors"—are actually pursued for no reason but the "interest of their respective countries" (ibid., VI.ii.2.6). Thus, a nation will readily violate its promise, whenever it believes ("upon the smallest provocation") that such a violation better suits its present interests, "without bringing . . . any considerable dishonour upon the violator" (ibid., III.3.42).

These passages identify two problems with implementing international law in the eighteenth century, both of which Smith articulated in terms that reflect what he takes to be their moral-philosophical implications. First, there is the intransigence of national "prejudice," which Smith characterized as a "noble love of country" that has become distorted and ugly through insular socialization within narrow spatial boundaries. Second, he noted the unavoidability of national "partiality" in the absence of an overarching, neutral power to enforce universal compliance with the "laws of nations." Let us now consider each of these problems in detail, to get a better grasp of the bleak international setting that Smith identified and sought to remedy with his commercial cosmopolitanism.

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National Prejudice

"The mean principle of national prejudice," Smith ([1759] 1982 VI.ii.2.3) suggested, is often originally "founded upon the noble one of the love of our own country." To call this love a "noble one" does not mean that it is benevolent, "derived from the love of mankind" (ibid., VI.ii.2.3–4). On the contrary, we love our own country, according to Smith, for more or less partial reasons. He addressed two of them:

> The love of our country seems, in ordinary cases, to involve in it two different principles; first a certain respect and reverence for that constitution or form of government which is actually established; and secondly, an earnest desire to render the condition of our fellow-citizens as safe, respectable, and happy as we can. He is not a citizen who is not disposed to respect the laws and to obey the civil magistrate; and he is certainly not a good citizen who does not wish to promote, by every means in his power, the welfare of the whole society of his fellow-citizens. (Smith [1759] 1982,VI.ii.2.11.)

This formulation recalls Judith Shklar's distinction between obligation and loyalty—essentially that obligation motivates through rules, and loyalty through affect.[8] Obligation, she wrote, refers to "rule-immersed" activity, grounded in "rule-like" principles, regardless of whether the rule following was recommended by consent, utility, natural law, or deontology (Shklar 1993, 40–41). Similarly, Smith ([1759] 1982,VI.ii.2.1) argued that the first "principle" of "love of our country" consists in obeying the law, in a "certain respect and reverence for that constitution or form of government which is actually established." Why do people obey established law? In his *Lectures on Jurisprudence* of 1766 (1982, LJ[B]15), Smith noted a variety of reasons, all "rule-like principles" in Shklar's sense: "Ask a common porter or day-laborer why he obeys the civil magistrate, he will tell you that it is right to do so, that he sees others do it, that he would be punished if he refused to do it, or perhaps that it is a sin against God not to do it."

More flatly, Smith claimed in the *Moral Sentiments* that people revere their country's constitution and laws because they provide the security and protection "of all the different orders and societies" within the nation. "All those different orders and societies are dependent upon the state to which they owe their security and protection" (Smith [1759] 1982,VI.ii.2.10). At least this holds true, Smith wrote, in "peaceable and quiet times."

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Loyalty, on the other hand, Shklar (1993, 41) argued, is "deeply affective" and not "primarily rational." We feel loyalty, she observed, to those groups in which we have been brought up or to those closest in proximity to us—those with which we identify ourselves when asked, "Who are you?" Political loyalty in particular is "evoked" by "nations, classes, castes, ethnic groups, and parties," she said, "and by the doctrines, causes, ideologies, or faiths that form and identify such associations" (ibid., 41). Smith's second "principle" of love of country coincides with Shklar's description of affective loyalty. It consists in the "earnest desire to render the condition of our fellow-citizens as safe, respectable, and as happy as we can": "Not only we ourselves, but all the objects of our kindest affections, our children, our parents, our relations, our friends, our benefactors, all those whom we naturally love and revere the most, are commonly comprehended within it [the "state or sovereignty"]; and their prosperity and safety depend in some measure upon its prosperity and safety" (Smith [1759] 1982,VI.ii.2.2).

Shklar was troubled by the unreflective and often xenophobic tendencies of political loyalty. "No one in our horrible century," she insisted, "can be unaware of the passion that is in invested in such attachments" (Shklar 1998, 59). Smith, too, was ambivalent. Love of country, which is "noble" in its "foundations"—inspired by a genuine care and concern for those whom habit has taught us to love—is nevertheless whipped into a "mean" partiality and prejudice through a socializing process that greatly resembles Smith's famous psychology (described in other parts of the *Moral Sentiments*) of how norms are "disciplined" through the "surveillance" of an "impartial spectator" and solidified through habit and experience into "conscience" (Forman-Barzilai 2000, 2001a, and 2001b). Just as in Smith's moral psychology, an agent "moderates" his conduct to win the approbation of the spectators around him, the "whole ambition" of the citizen, according to Smith ([1759] 1982, III.3.41), "is to obtain the approbation of his own fellow-citizens; and as they are all animated by the same hostile passions which animate himself, he can never please them so much as by enraging and offending their enemies."

This, of course, is an old story: citizenship galvanizes around the identification and vilification of the enemy, the outsider, the other. Smith ([1759] 1982,VI.ii.2.2) spends many pages describing the way an artificial sense of national "superiority" and "pride" emerge and are habituated through the mythic elevation of heroes, warriors, statesmen, poets, philosophers, and men of letters, who are "ranked (sometimes

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most unjustly) above those of all other nations." And just as Smith (ibid., VI.ii.2.3) writes that once "hatred and dislike . . . grow upon habitual disapprobation," we become "hardened against all sympathy" for the person who "excites so painful a passion," taking "a malicious pleasure" in his misfortune, love of country produces a lively "prejudice" that "often disposes us to view with the most malignant jealousy and envy, the prosperity and aggrandizement of any other neighboring nation" (ibid., VI.ii.2.3).

National Insularity

Smith's diagnosis of "national prejudice" also mirrors his idea that selfishness tends to become exaggerated and "delusive" when one reflects on one's condition in solitude or in the presence of merely "partial" spectators—"friends," or, in this case "fellow-citizens" who are already inclined to indulge their self-preference. Isolationism was as dangerous for a nation as solitude was for the moral agent who found himself in the grip of self-delusion—for the "partial spectator is at hand: the impartial one at a great distance" (Smith [1759] 1982, III.3.41). The insular victim of national prejudices pays little attention to what is or what might be "the sentiments which foreign nations might entertain" concerning his country's conduct (ibid., III.3.41). He simply continues on, self-justified, certain that his country does no wrong.

Smith regretted the absence of a "neutral," "indifferent," and "impartial" power in the international sphere, a "common superior" that might help deflate national prejudice, alleviate suspicion and pre-emptive fear among neighboring nations, and oversee and enforce universal compliance with international law (Smith [1759] 1982, III.3.42)—much as the impartial spectator in Smith's moral psychology oversees and disciplines the conventions of sociable living within narrower boundaries:

> Independent and neighboring nations, having no common superior to decide their disputes, all live in continual dread and suspicion of one another. Each sovereign, expecting little justice from his neighbors, is disposed to treat them with as little as he expects from them. (Ibid., VI.ii.2.3.)

Similarly, in a lecture entitled "Of the Laws of Nations," delivered in his jurisprudence course at the University of Glasgow in 1766, Smith

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([1766] 1982, LJ (B) 339) observed that "where there is no supreme legislative power to settle differences, we may always expect uncertainty and irregularity." Today we think of such institutions as Nuremberg, the Hague, the United Nations, and NATO. But Smith never conceived of such an intricate scheme of international cooperation. To his mind, the theoretical candidate for a "common superior" was a "neutral nation," one that wasn't directly involved or interested in a present conflict.

But theory failed in practice, Smith ([1759] 1982, III.3.42) noted, because these "indifferent and impartial spectators . . . are placed at so great a distance that they are almost quite out of sight." Aside from the obvious practical barrier of language—as well the far thornier problem of how to transcend cultural prejudice (Forman-Barzilai 2000, 2001a, and 2001b)—how could a distant nation like, say, China ascertain the "minutest details" of a conflict between France and England, and render judgments that are, as Smith put it, "well informed, precise and determinate"? Intimate, detailed understanding was essential to such judgments in Smith's moral philosophy; apparently, he didn't think distant nations could achieve the necessary degree of intimacy.

Writing on the difficulties of international understanding in 1790, just as accounts of the French Revolution were trickling their way into the English consciousness, Smith never imagined a technological era in which massacres like My Lai, Tiananmen, and September 11 could be broadcast live in bloody, fiery technicolor to observers half a world away. He never imagined a world in which, as Pramoeda Ananta Toer describes it, "the entire world can now observe the actions of any person. And people can observe the actions of the entire world" (cited in Cheah 1998, 20). In Smith's time, distant nations were too distant for sight, too distant for a familiarity sufficient to make well-informed judgments. In our era, when "the whole world is watching," nobody can be sure to escape spectatorial censure. But we should resist consigning Smith to irrelevancy here, for his underlying point is perfectly compatible with our new reality. In claiming that distant nations were "out of sight," he was simply reaffirming his recognition that seeing something arouses our imagination and triggers our sympathetic self-projection into action in a way that merely thinking about it cannot. This insight remains valid. The difference is that we see *more* today, and it rouses us to indignation. Indeed, television and the Internet have mediated sight in a way that Smith could not have imagined. Technology now helps to shape and unify our collective sentiments, even from a distance.

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The Invisible International Hand

Smith, however, a notorious lover of harmony and equilibrium (see notably Smith 1982, 31–105), was confronted with a jarring dilemma. In the eighteenth century, it seemed that there could be no natural sympathy among distant strangers from which to balance "national prejudice" and to cultivate a genuine and reliable good will among them. And there was no "neutral," "indifferent" and "impartial" power to *enforce* good will among them. What was a moral philosopher to do? He could either surrender to the radical particularism and anarchy that his moral-philosophical and institutional realism suggested, or he could strive for another solution. Smith pursued the latter choice, believing he had discovered a solution in commerce—a solution I call his "commercial cosmopolitanism."

Because truth and fairness were unlikely in international affairs—where interest ruled and no impartial spectator could oversee compliance with the "law of nations"—Smith embraced the idea that commercial intercourse among nations could mitigate aggression and cultivate international peace without affective sympathy or external coercion. Smith thought international commerce could produce cosmopolitan ends without cosmopolitan intentions, balancing national wealth with global "virtue." Smith conceived of a new cosmopolis that could replicate the harmony born of familiarity and habitual fellow feeling, and could even replicate the effects of law and coercion, without stifling modern commercial aspirations.

Smith's commercial cosmopolitanism relied on what we might refer to as the "unintended consequences" of national self-interest. "The love of our own nation," Smith ([1759] 1982, VI.ii.2.3) insisted, often does, but need not, lead us "to view with the most malignant jealousy and envy, the prosperity and aggrandizement of any other neighboring nation." On the contrary, the prosperity of others should be understood as a boon to our own prosperity. The "more enlarged and enlightened mind" feels "no aversion to the prosperity even of an old enemy":

> France and England may each of them have some reason to dread the increase of the naval and military power of the other; but for either of them to envy the internal happiness and prosperity of the other, the cultivation of its lands, the advancement of its manufactures, the increase of its commerce, the security and number of its ports and harbours, its proficiency in all the liberal arts and sciences, is surely beneath the dignity of

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> two such great nations. These are all real improvements in the world we live in. Mankind are benefitted, human nature is ennobled by them. (Ibid.)

Smith ([1759] 1982, II.ii.5.10, IV.1.1–5, IV.1.9, IV.2.12, VII.iii.1.2) attributed the unintended consequences of national self-interest to what he called an "œconomy of nature," or sometimes a vast "machine"—a Stoic idea that everything in the world was placed as it was for a larger end, beyond the grasp of humans. "Human society," he observed, "appears like a great, an immense machine, whose regular and harmonious movements produce a thousand agreeable effects" (ibid., VII.iii.1.2). In several places, Smith referred to this machine as "Providence" (ibid., III.5.7; VII.ii.3.15; for general discussion see Schneewind 1984; Taylor 1989, 266–84; Viner 1972). Because human life was situated in a natural order imprinted with Nature's purpose for mankind, it worked just as mechanically and predictably as the cosmos. As the "wheels of the watch turn" when "put into motion by a spring," as "blood circulates" and "food digests" according to an "artifice" in nature, so too are men led without intention or will to those "ends" which Nature/God had "proposed for Mankind" (ibid., II.ii.3.5; III.i.5.10).[9] Accordingly, Smith argued that the "Author of nature" had ordained the commercial cosmopolis—that "she" had arranged things to ensure (recall the comparison to an insurance policy) that "the great society of mankind" could flourish materially in a context of peace without the slightest sacrifice by individuals or nations. Smith wrote:

> That wisdom which contrived the system of human affections, as well as that of every other part of nature, seems to have judged that the interest of the great society of mankind would be best promoted by directing the principal attention of each individual to that particular portion of it, which was most within the sphere both of his abilities and of his understanding. (Ibid., VI.ii.2.4.)

From the perspective of this paper—and my claim that Smith developed a theory of commercial cosmopolitanism to overcome the deficiencies of moral philosophy on a global scale—this is the single most important passage in the *Moral Sentiments*. It links Smith's moral-psychological rejection of Stoic cosmopolitanism (his argument about the spatial contingencies of sympathy) with his claim that mankind as a whole benefits by seizing upon these limitations, permitting people vigorously to pursue their own partial interests in the "sphere both of [their] abilities and of [their] understanding."

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Smith refused to collapse the Stoic circles here since *oikeiōsis* (familiarity) remained for him the most appropriate index of our duties. "To man is allotted a much humbler department," he wrote, "but one much more suitable to the weakness of his powers, and the narrowness of his comprehension; the care of his own happiness, of that of his family, his friends, his country" (Smith [1759] 1982, VI.ii.3.6). Smith's commercial cosmopolitanism leaves people to their own abilities and affections, to that which naturally most interests and directly benefits them. The good of mankind is promoted without expecting people to become something that Smith insisted they were not—and, indeed, *ought* not waste their time, their efforts, and their good spirits striving to become.

I will not pretend that Smith didn't have very explicit (and deeply contestable) economic and political reasons for advocating international commerce. Such a claim would be absurd. And I will not apologize for those dimensions of Smith's thought that have been dismissed (all too often correctly) as an extravagant sham. Indeed, in the last two centuries, Smith's solution has had moments of undeniable success for many people fortunately situated—but arguably just as many dismal failures. Instead, I want to place Smith's faith in the commercial cosmopolis within the complex of moral-philosophical dilemmas with which he was struggling—in other words, to contextualize it *within* his moral philosophy. Once this is done, his commercialism can no longer be interpreted in a vacuum—as just an Enlightenment commercialist's blind celebration of wealth and historical progress—but must be understood as a moral philosopher's attempt to emulate good will on a global scale, to locate a viable substitute for moral sentiment in the international sphere.

Understood in this light, Smith helped to redefine cosmopolitan thinking in the eighteenth century. For him, free commercial intercourse among nations was a new mode or expression of cosmopolitanism, one that promised to mitigate conflict among spatially disparate entities, to generate both widespread prosperity and a tolerable peace in the absence of moral agreement, good will, coercion, or oversight. One commentator has usefully called this "self-centered cosmopolitanism" (Gordon 1994, 73–76). Smith broke with Stoic morality by separating cosmopolitan teleology from human reason and intention, placing it instead in the invisible hand of national self-interest. Because of the providential strain in his thought, he never be-

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lieved he had abandoned the poor to the caprice and didactic arrogance of the rich and powerful.

He believed he had placed mankind in benevolent hands.

NOTES

1. Prior to this, scholarship was devoted mainly to addressing structural tensions within the *Wealth of Nations* itself. For more on the genesis and development of the "Adam Smith Problem," see Dickey 1986 and 1993, xxi n12; and Teichgraeber 1981.
2. Notable works in this tradition are Campbell 1971; Lamb 1971; Macfie 1967; Morrow 1932; Skinner 1979; and Winch 1978. More recently see Fitzgibbons 1995, Griswold 1999, and Werhane 1991.
3. See Brown 1995; Griswold 1999, 217–27 and 317–24; Raphael and Macfie 1976; and Waszek 1984. For the Stoic influence on the Scots in general, see Stewart-Robertson 1983 and Stewart 1991. Throughout the *Moral Sentiments*, Smith regularly enlisted Stoic sources, mainly the *Discourses* of Epictetus, the *Meditations* of Marcus Aurelius, and less frequently, Cicero's *De Officiis* and *De Finibus* and Seneca's *Epistles*. Smith concerned himself very little with Stoic logic, physics, metaphysics, and epistemology, but concentrated on what he took, often rather selectively, to be Stoic "moral philosophy."
4. The word *oikeiōsis* derives from the Greek root *oikos*, which referred in ancient democratic life to the private realm of the household as opposed to the public realm of the *polis*, each of which entailed a different science of management, *oikonomeia* and *politika*. *Oikeiōsis* is a Stoic extrapolation from the familiarity one develops with those who inhabit the *oikos*.
5. On Mandeville's appropriation of the Jansenist position, see Lovejoy 1961, III–IV; Dickey 1990; Horne 1981; Hundert 1994, 30–36.
6. On the theme of *l'amour-propre éclairé* in Nicole, see Bénichou 1948, 106–110; Keohane 1980, 283–311; and especially Van Kley 1987.
7. Hundert (1994, 134) reveals that Butler, in the course of his critique of Mandeville, became familiar with Jansenist moral psychology.
8. In the Spring of 1992 at the University of Wisconsin, Shklar delivered what was to be her last public lecture, entitled "Obligation, Loyalty and Exile," which soon after appeared in *Political Theory* (Shklar 1995). She wrote one other unpublished paper on the subject in 1993, entitled "The Bonds of Exile," which was to be the first in a series of four lectures she was preparing to deliver at Cambridge, and which is now available to us thanks to Stanley Hoffman in Shklar 1998.
9. Influenced greatly by seventeenth-century natural theology, Smith often used Nature and God interchangeably.

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Graeme Garrard

THE CURIOUS ENLIGHTENMENT OF PROFESSOR RORTY

ABSTRACT: *Richard Rorty has devised a highly distinctive strategy for resisting what Michel Foucault once denounced as "the blackmail of the Enlightenment," according to which one is forced to take a stand either for or against it. Rorty distinguishes between the liberal political values of the Enlightenment, which he embraces "unflinchingly," and its universal philosophical claims about truth, reason and nature, which he completely renounces. Rorty argues that Enlightenment values are not sustained by "Enlightenment" metaphysics, and can therefore survive the loss of faith in those metaphysics. But Rorty implausibly believes that the scope and limits of his ironism can be restricted to realist metaphysics; he fails to qualify his views on the relationship of theory to practice in several decisive ways; and his "ethnocentric" defense of Enlightenment anti-ethnocentrism is plagued by paradoxes and other problems.*

> "Here I stand; I cannot do otherwise. God help me. Amen."
> —MARTIN LUTHER, Speech at the Diet of Worms,
> 18 April 1521

Scholars today are sharply divided on whether the so-called Enlightenment project has failed and, if so, what implications this will have for those societies that regard many of their core practices and institutions as linked to, or even dependent upon, "Enlightenment" values and beliefs. If ours really is "an age distinguished by the collapse of the Enlightenment project on a world-historical scale" (Gray 1995, 1), as many

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now believe, then does this necessarily entail the collapse of liberalism, thought by many to be inextricably linked to the universalist metaphysics often taken to be definitive of the Enlightenment?[1] If we really have entered a "post-Enlightenment" age, then how disturbed should we be by this epochal change?

According to Richard Rorty, the answer to this last question is: not at all. The "Enlightenment project," he claims, has been only a partial failure, and the part that has failed we are better off without. As a philosophical project, he believes that the Enlightenment has failed comprehensively, and that this is an entirely good thing. As a political project, however, Rorty believes that it is alive and well, and that this is also a good thing.

The political values that Rorty associates with the Enlightenment are, basically, liberal. He uses "liberalism" and "Enlightenment" more or less interchangeably (as do many of those, such as John Gray, whose reading of Enlightenment philosophers seems confined to Kant), and he frequently refers to "Enlightenment liberalism"—a view, he claims, that favors the maximization of individual freedom and decency and the minimization of cruelty, humiliation, and suffering. Rorty is unqualified in his endorsement of this political Enlightenment. The fears of those who believe that it is unsustainable in the absence of universally true, or realist philosophical foundations are, he argues, completely misplaced. All that is needed to sustain such commitments—all that *can* sustain them—are shared historical narratives or traditions about the way in which the practices and institutions of our "enlightened" civilization have made it more free and tolerant than other societies. In other words, we can kick the philosophical ladder from under the Enlightenment without fear of falling into political disaster as a consequence, since our political commitments are philosophically free-floating (Rorty 1989: 194).[2] Indeed, Rorty agrees with Joseph Schumpeter's claim that to "realize the relative validity of one's convictions and yet stand for them unflinchingly is what distinguishes a civilized man from a barbarian" (Schumpeter 1943, 243).

In the first part of this paper, I outline Rorty's distinctive views on the Enlightenment and the relationship between its philosophy and its politics. In the second part, I present three criticisms of his position. First, I question whether Rorty's belief that it is both possible and desirable to confine irony to the private sphere—thereby immunizing from chronic doubt our unflinching commitment to liberal political values—is really plausible. Second, I argue that, while Rorty

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is right to assert that most people do not have—or need—a philosophical justification to sustain their commitment to particular values, this assertion is plausible only if qualified in two ways that he explicitly rejects. Finally, Rorty's denials that he is a value relativist are shown to be false, since he also denies that the ethnocentric criterion that he prefers to the universalism of the Enlightenment is rationally justifiable. Similarly, in the process of denying not only the truth of Enlightenment philosophy but of truth itself, Rorty denies himself any reasons for preferring the ethnocentric criterion he propounds over the Enlightenment metaphysics he rejects.

"De-Philosophizing" the Enlightenment

One view of the relationship between the political values attributed to the Enlightenment and its philosophical foundations holds that the status of the foundations is directly relevant to the strength of our commitment to the values. Gray is a leading contemporary proponent of this view. "We live today," he writes with apocalyptic relish, "amid the dim ruins of the Enlightenment project." Since liberal cultures "depend on the Enlightenment project, and its illusions, for their very identity," we are bound to see it as "unreasonable to expect the institutions and practices of liberal society to survive unaltered the cultural mutation encompassed in abandoning the Enlightenment project" (Gray 1995, 155).

Against Gray one might argue that recognizing the groundless contingency of one's values in no way affects the degree of one's commitment to them. On this side of the fence Rorty (1989, 45–47) places Isaiah Berlin,[3] Schumpeter, John Rawls, Michael Oakeshott, and John Dewey, all of whom, he claims, "helped to undermine the idea of a transhistorical 'absolute validity' set of concepts which would serve as 'philosophical foundations' of liberalism"—in the belief that this undermining would strengthen, rather than weaken, liberal institutions (ibid., 57). Berlin et al.'s view of "Enlightenment rationalism" as antithetical to "Enlightenment liberalism" provides a basis—upon which Rorty himself seeks to build—for constructing what he calls "a mature (de-scientized, de-philosophized) Enlightenment liberalism" (ibid., 57).

According to Rorty (1989, 46), the philosophical discourse of the Enlightenment is merely one particular narrative that emerged in the seventeenth and eighteenth centuries as part of a "deep metaphysical

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need"—inherited from Christianity—to "have human projects underwritten by a nonhuman authority" (ibid., 52) such as God or nature or reason. In fact, he argues, Enlightenment values do not depend on such authorities. The persistent belief that the liberal values of the Enlightenment ought to draw their justification from universal philosophical foundations is just a cultural habit that we can, and should, kick.

Rorty (1991, 33) concedes that this lingering philosophical vocabulary of the Enlightenment, based on metaphysical notions of truth, reason, and nature, is "a powerful piece of rhetoric" that was instrumentally necessary to the original establishment of liberal democratic societies. However, he asserts that the Enlightenment's search for objective truth has since "gone sour" and now does more harm than good. Rorty (1989, 44) therefore calls on us to disengage liberal politics from Enlightenment philosophy, jettisoning the latter and retaining the former. The value of "the Enlightenment" for Rorty (1991, 34) is "just the value of some of the institutions and practices which [it has] created. . . . I have sought to distinguish these institutions and practices from the philosophical justifications for them provided by partisans of objectivity, and to suggest an alternative justification."

Although the liberal discourse of tolerance, civility, respect, and decency is Rorty's preferred *political* vocabulary, for ethnocentric reasons, the Enlightenment language of reason, nature, and science is part of a universal philosophical vocabulary that he claims should be dispensed with altogether. He writes that the Enlightenment's philosophical assumptions about human nature, rationality, the world, epistemology, and history do not have the status of "truths," as the *philosophes* imagined them to have. Rather, they are part of a contingent, Western, modernist vocabulary that is no closer to corresponding with the true nature of reality than any other particular vocabulary. This is not because Rorty knows for certain that the Enlightenment is wrong. Rather, it is because he believes that *no* such vocabulary can be said to be "true" in this sense, including his own, which he admits does not "correspond to the nature of things" any more than other vocabularies do (Rorty 1991, 23).

Rorty believes that an impenetrable wall should be erected between Enlightenment philosophy and liberal politics comparable to that which the *philosophes* sought to build between politics and religion. He commends Thomas Jefferson for helping to "make respectable the idea that politics can be separated from beliefs about matters of ultimate importance—that shared beliefs among citizens on such matters are not essential to a democratic society" (Rorty 1990, 279). If philosophy and

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politics really were linked, then Gray would indeed be right in claiming that the liberal political values of the Enlightenment are doomed by the collapse of the philosophical project on which they are supposedly grounded. Rorty's composure in the face of such a collapse arises from the fact that he believes that a Jeffersonian separation between our public political world and our private philosophical beliefs both can and should be upheld.

Unfortunately, Rorty (1989, 87) claims, the dominant public culture of the West is, like its dominant intellectual culture, "still metaphysical." Enlightened liberal societies should, he thinks, finally admit to themselves that their cherished values are just part of one particular form of life among others with no more claim to be "true" philosophically than any other.[4] For Rorty, the ideal citizen is someone who is sufficiently historicist and nominalist to have abandoned the idea that his or her fundamental beliefs refer back to something beyond the reach of time and chance. The Enlightenment values that unite us should no longer be thought of as anchored to any universal philosophical substrate, such as nature or truth. Rather, a philosophically post-Enlightenment culture "would regard the justification of liberal society simply as a matter of historical comparison with other attempts at social organization" (Rorty 1989, 53).

While Rorty believes that both the public realm of political values and the private realm of philosophy should be historicized and nominalized, eschewing universal metaphysical assumptions about their supposed "truth," he argues that the resulting "irony" should be restricted to the private realm. In *Contingency, Irony, and Solidarity* (1989, 73), he specifies three conditions that define an "ironist": "She has radical and continuing doubts about the final vocabulary that she currently uses . . . she realizes that argument phrased in her present vocabulary can neither underwrite nor dissolve these doubts . . . [and] she does not think that her vocabulary is closer to reality than others." The effect of irony, he thinks, is to destabilize our beliefs, inducing a chronic state of flux and experimentation, so that individuals would "never quite [be] able to take themselves seriously because always aware that the terms in which they describe themselves are subject to change, always aware of the contingency and fragility of their final vocabularies" (ibid., 73–74). Rorty labels such a state "metastable," and associates it with doubt, detachment, and lack of commitment.

Rorty is insistent that our commitment to shared "Enlightenment" political values would be unsustainable if ironized, and that this is unde-

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sirable. While we should see them, like our private beliefs, as "contingent through and through," we should not feel "any particular doubts about the contingencies they happen to be" (Rorty 1989, 87). The light-hearted, light-minded, ironic detachment characteristic of our private, post-Enlightenment worlds should coexist with a robust, if historicized, public commitment to "the Enlightenment" as a political project, free of ironic doubt and characterized as much by the "spirit of gravity" as our attitude towards philosophy, religion and other "matters of ultimate importance" would be characterized by the "spirit of lightness." This point is often overlooked—or at least obscured—by Rorty's critics. For example, Gray attacks what he believes is Rorty's call for a comprehensive "ironization" of our civilization. "The recurring theme in Rorty's work," he writes, "is that liberal cultures whose relationship with their most central and fundamental practices is ironic will be better . . . than liberal cultures which seek 'foundations' for themselves in 'universal principles.' . . . Irony is the negation of the spirit of seriousness, a playful engagement in world-making" (Gray 1995, 4).[5] Yet, for Rorty, the element of doubt that he associates with irony should have no place in our historicized public culture, which should remain unflinchingly committed to *our* Enlightenment political values. In this way, public solidarity and commitment can be combined with private irony, doubt, and detachment. Rorty (1989, 88, emphasis added) is unambiguous on this point.

> But even if I am right in thinking that a liberal culture whose public rhetoric is nominalist and historicist is both possible and desirable, I cannot go on to claim that there could or ought to be a culture whose public rhetoric is ironist. I cannot imagine a culture which socialized its youth in such a way as to make them continually dubious about their own process of socialization. *Irony seems inherently a private matter.* On my definition, an ironist cannot get along without the contrast between the final vocabulary she inherited and the one she is trying to create for herself.

Rorty categorically rejects the view that one cannot "combine [political] commitment with a sense of the contingency of . . . [one's] own commitment" (ibid., 61). Although our common convictions are based on "nothing more profound than the historical facts" rather than metaphysical beliefs about nature, reason, or truth (ibid., 84), he argues that "a belief can still regulate action, can still be thought worth dying for among people who are quite aware that this belief is caused by nothing

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deeper than contingent historical circumstance" (ibid., 189). This is because intellectual life is, for Rorty, independent of political life. What happens in our minds has little or no bearing on what we do politically. Our shared, first-order, affirmed political commitments are not sustained by reflective, second-order, philosophical assumptions and arguments. The very idea that they are, or should be, Rorty professes to find "ludicrous" (ibid., 86).

Even if this is the case, what reasons do we have for remaining unflinchingly loyal to the particular political values of "the Enlightenment"? For Rorty, the cement that holds Western societies together and binds them to liberalism is ethnic, not philosophical. The inculcation of values is a social and cultural process, not a conscious rational process; values are supported by a shared, nonrational sense of ethnic solidarity that binds individuals together in a common commitment to a particular way of life.[6] Good socialization, particularly in the form of shared narratives and common vocabularies and experiences, sustains our commitments. Rorty (1989, 208) interprets his own "anti-anti-ethnocentrism" as a "protest against the persistence of Enlightenment rhetoric." The political values of the Enlightenment will persist as the "final vocabulary" of our common public world even if Enlightenment philosophy does not.

Rorty's arguments about the Enlightenment are really an elaboration of Hans Blumenberg's claim that "the 'historicist' criticism of the optimism of the Enlightenment, criticism which began with the Romantics' turn back to the Middle Ages, undermines self-foundation but not self-assertion" (Rorty 1991, 33n16).[7] The ethnic self-assertion of Western liberal democracies is benign, according to Rorty, because it is detached from metaphysical assumptions that would allow us to assert that our form of life is *intrinsically* superior to or truer than any other. But if, as Rorty claims, "a belief can still regulate action, can still be thought worth dying for among people who are quite aware that this belief is caused by nothing deeper than contingent historical circumstance," then it cannot be assumed that even such self-aware societies will refrain from asserting themselves against others.

The "Enlightenment" Ethnos

Philosophes such as Diderot (1992, 25, emphasis added) believed that "*everything* must be examined, *everything* investigated, without hesitation or exception," as he put it in the *Encyclopédie*.[8] Rorty, by contrast,

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expects us to apply this critical standard selectively: endlessly examining, questioning, and investigating only *some* things—thereby rejecting a basic value of the Enlightenment to which he wants us to be unflinchingly committed. Yet, beyond the observation that he simply "cannot imagine a culture which socialized its youth in such a way as to make them continually dubious about their own process of socialization" (Rorty 1989, 87), Rorty offers no argument for his belief that irony is compatible with "unflinchingly" strong political commitments.

Nor does Rorty give us much reason for thinking that irony would not eventually seep from our private beliefs into our political commitments. He simply affirms that containment is not only desirable and possible but also likely, that the two worlds of the public and the private are hermetically sealed realms. Yet how likely is it that most individuals both can and would compartmentalize their lives so that they were half-ironic, -detached, and -skeptical, and half-implacable, -unquestioning, and -committed? What, precisely, would prevent ironic doubt and skepticism from stopping at the frontiers of our private beliefs without straying into the domain of political values? It seems highly implausible that individuals would continually ask questions and raise doubts about their beliefs about what is, but never stop to wonder why they should remain committed to their beliefs about what ought to be. Even if somebody were persuaded by Rorty's claim that it is politically and sociologically undesirable for irony to infect her public commitments, the most that this argument could do, by itself, is lead her to act *as if* she were committed to such values, which is a commitment not to those values per se but simply to the social utility of having values to which she is strongly committed. This alone is insufficient to stop rational, self-reflective individuals from engaging in ironic questioning about their values, any more than valuing the social utility of religion (as most *philosophes* did) is a sufficient reason for someone to believe in the existence of God. The most that Rorty's position can do—assuming that he is right about the undesirability of public irony—is to defend a kind of Elizabethan settlement of outward conformity and inward skepticism that would be most unlikely to result in the kind of unflinching commitment to liberal political values that he claims is desirable.

Conversely, if Rorty's claim about the deleterious public effect of irony is true, then why does he not apply this argument to the private realm of beliefs as well? Surely irony would undermine private mo-

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tives for action just as much as public irony would undermine one's commitment to particular values.

Rorty's claim that most people's values are not the outcome of, or in any way dependent upon, philosophical reflection, and are not normally based on cogent and well-developed reasons is neither self-evidently wrong nor implausible. It is far from controversial to believe that, for most people most of the time, what they value is a matter of what Rorty (1989, 74) calls "common sense," the attitude of "those who unself-consciously describe everything important in terms of the final vocabulary to which they and those around them are habituated. To be commonsensical is to take for granted that statements formulated in that final vocabulary suffice to describe and judge the beliefs, actions and lives of those who employ alternative final vocabularies." I do not take issue with the claim that values are unconsciously internalized from one's social and cultural environment and are thereafter taken for granted as self-evident by most people. As such, no conscious reasons are required for either their adoption or their maintenance. Such values are, for most people at least, matters of habit that, as Ronald Beiner (1997, 89) writes, are "a function not of reflective consciousness but of our very being as shaped by life in society."[9] These values are entrenched in our personalities by forces that are quite distinct from the reasoning to which philosophers appeal in their arguments. Rorty is undoubtedly correct that what happens at the level of theory is inconsequential for those whose commitments are not supported by theoretical reasons—that is to say, for most people.

However, qualified ironists such as Rorty are wrong to claim that people's values do not depend on beliefs, and that when these beliefs change their values will necessarily remain unaffected. Most values involve at least some factual presuppositions. For example, if a person values marital fidelity because of her belief in a God who commands that monogamy is the only morally acceptable relationship between a husband and wife, then the absence of a belief in God will leave that person without a reason for her commitment to that value. While it is possible that some people will find other reasons for adhering to it, many will not. Of those who do not, some will continue to accept the value of marital fidelity out of unconscious habit, but others will not. And even when they do, habits wear off over time. In other words, a change in one's religious beliefs can—and very often does—affect the values one holds. This can be seen in the case of Jehovah's Witnesses, for whom blood transfusions are prohibited on penalty of the loss of eter-

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nal life, even if it does prolong life on earth. This commitment is based on a belief in the truth of a divine command found in a sacred text.[10] If this belief changed, then so too would the commitment, unless a substitute reason presented itself.

There are as well many nonreligious examples of the connection between values and beliefs. For example, the belief in natural human sociability was virtually universal among the French *philosophes*. Unlike Hobbes, they believed that, when left to their own devices, people will naturally tend to fraternize and cooperate, usually to their mutual benefit. This belief led most of them to value individual freedom, religious tolerance and diversity, and a limited constitutional state of the sort they imagined existed in eighteenth-century England. Had they shared the outlook of many of their opponents—that human beings are naturally antisocial and prone to war—it is very unlikely that they would have favored liberal values, which may not have been practically sustainable on the basis of such pessimistic assumptions about human nature. Similarly, many of the values held by Nazis and neo-Nazis are directly linked to beliefs about the inherent superiority of some races over others. Such values would be unlikely to survive the complete collapse of such beliefs. That is why anti-Nazis think it important to debunk racial theories. While it may be unrealistic to expect most people (let alone everyone) to be self-reflective about their basic values on a day-to-day basis, this can change under extreme conditions, when normally settled beliefs are challenged. Virtually everyone can in principle, and most occasionally do in practice, reflect on their values and deliberately change them as a result of reasons, evidence, and arguments about their factual beliefs.

Rorty (1989, 182) denies all of this on the grounds that it is not "psychologically possible to give up on political liberalism on the basis of a philosophical view about the nature of man or truth or history. Such views are ways of rounding out and becoming self-conscious about one's moral identity, not justifications of that identity or weapons which might destroy it." Unfortunately, he does not explain precisely what it is about our psychology that makes it impossible for philosophical arguments and theories to affect our values. Nor does he offer any evidence to substantiate what is, basically, an empirical claim about human nature that may or may not be true. The psychological determinism that his position seems to imply sits very uncomfortably with the skepticism that he frequently expresses towards just such essentializing claims (e.g., Rorty 1998, 169).[11] If Rorty is right

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about this impenetrable psychological barrier between values and beliefs, then he could never convince his own readers of his position by rational argumentation unless they already accepted his views. Yet in an interview he is reported as saying that "I'm going to spend the next 12 months writing replies to critics. . . . I have a desk piled high with essays by fellow philosophers and various other people saying what's wrong with my stuff, and I am solemnly ploughing through them and writing replies" (Rorty 1998b, 17). One is bound to wonder why Rorty is bothering to engage his critics if it is not psychologically possible to persuade those who do not already agree with his own value preferences. He persists in writing books, lecturing, and presenting arguments that at least *appear* to have the intention of convincing his audience to accept his claims for good reasons.

Rorty's account of the irrelevance of theory to practice, although *basically* sound (as sociology), is too simplistic (cf. Taylor 1985, 107).[12] While it may well be true that theory rarely, if ever, has a direct influence on practice—and certainly it has much less impact than most theorists like to think—it often has a much greater influence indirectly, on the ethos through which values are conveyed to most people. Although the acquisition and maintenance of such values is more a matter of socialization than philosophical reasoning, practices of socialization and acculturation are themselves more susceptible to the influence of theory than the values of most people are directly. While the arguments of philosophers, theorists, and intellectuals usually go completely unnoticed and unheeded by the overwhelming majority of people (no bad thing, in most cases), they may still influence the ethos—and the institutions and practices that sustain it—that shape the actual attitudes and practices of most people. The gulf between intellectuals and non-intellectuals, although vast and probably growing, is not infinite. A weak and indirect link exists, mediated by institutions, ideas, and language that influence the values of non-intellectuals and that are themselves at least partly influenced by the thoughts and theories of intellectuals.

Rorty's Self-Refuting Relativism

Rorty vigorously denies that he is a value relativist. He argues that in repudiating Enlightenment philosophy he is not thereby repudiating *all* criteria for preferring some values over others. What he rejects are the particular reasons that have traditionally been offered by the mainstream

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"Platonic and Kantian" philosophical traditions of the West as "grounding" our preferences.

> The reason relativism is talked about so much among Platonic and Kantian philosophers is that they think being relativistic about philosophical theories—attempts to "ground" first-level theories—leads to being relativistic about first-level theories themselves. If anyone really believed that the worth of a theory depends upon the worth of its philosophical grounding, then indeed they would be dubious about physics, or democracy, until relativism in respect to philosophical theories has been overcome. Fortunately, almost nobody believes anything of the sort. (Rorty 1982, 168.)[13]

Rorty does not regard himself as any more of a value relativist than the eighteenth-century *philosophes* were, and he claims to be just as unflinchingly committed to liberal values as they were. He merely differs from them in replacing their philosophical reasons with "solidaristic" ones. While they were committed to Enlightenment values for what they thought were compelling philosophical reasons, according to Rorty (1989, 185) most of us are committed to such values as a consequence of our common socialization, which "goes all the way down." There are no metaphysical foundations or transcendental entities upon which they rely that make them more compelling than other values we might hold. Thus, Rorty concludes, the "social glue holding together the ideal liberal society . . . consists in little more than a consensus that the point of social organization is to let everybody have a chance at self-creation to the best of his or her abilities, and that that goal requires, besides peace and wealth, the standard 'bourgeois freedoms'" (ibid., 84). The question is not (as some mistakenly think): can we remain committed to particular values in the absence of reasons? It is, rather: are Rorty's reasons better than those of the liberal Enlightenment? According to Enlightenment liberals—whom he labels the "partisans of objectivity"—we should be committed to liberal political values because they are objective and universal. According to Rorty—a self-styled "partisan of solidarity"—we should be committed to such values simply *because they are ours*. Such commitments are matters of "we-consciousness," which provides a historically and culturally contingent basis (rather than a universal foundation) for our value preferences. This, according to Rorty, is not only good enough to sustain our commitment to particular values, but is all that really can sustain them.

Yet this is still a form of value relativism. The Enlightenment values

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that Rorty favors are relative to a particular time and place. (Specifically, the "rich North Atlantic democracies" of the postwar West [Rorty 1983, 585]). Although he offers a criterion for preferring some values over others, he does not offer any reasons why we should prefer his criterion—ethnocentricity—to the universalist metaphysical criteria of the Enlightenment. This is because he does not believe that any such reasons could justify the criterion he prefers to someone who did not already share his *ethnos*. According to his "ethnocentric" form of relativism, "there is nothing to be said about either truth or rationality apart from descriptions of the familiar procedures of justification which a given society—*ours*—uses in one or another area of inquiry" (Rorty 1991, 23). No answer can therefore be given to the question "why prefer Enlightenment values?" to someone for whom the answer is not already self-evident. When challenged to offer noncircular reasons for his preferred ethnocentric criterion, Rorty frankly concedes that there are none:

> Such justification is not by reference to a criterion, but by reference to various detailed practical advantages. It is circular only in that the terms of praise used to describe liberal societies will be drawn from the vocabulary of the liberal societies themselves. . . . So the pragmatist admits that he has no ahistorical standpoint from which to endorse the habits of modern democracies he wishes to praise. . . . We pragmatists should grasp the ethnocentric horn of this dilemma. We should say that we must, in practice, privilege our own group, even though there can be no non-circular justification for doing so. We must insist that the fact that nothing is immune from criticism does not mean that we have a duty to justify everything. We Western liberal intellectuals should accept the fact that we have to start from where we are, and that this means that there are lots of views which we simply cannot take seriously. (Ibid., 29.)

The particular value-content of "the Enlightenment" is, however, consistent with some justifications and not others, just as particular values are consistent with some beliefs and not others. One justification of liberal values that is *not* consistent with them is the ethnocentric one on which Rorty's whole defense of liberal values relies. While most of the *philosophes* shared Montesquieu's appreciation of the "infinite diversity of laws and mores" (Montesquieu 1989, xliii), a principled rejection of ethnocentrism—understood as the privileging of one's own community or *ethnos* simply *because* it is one's own—was a basic *political* value of

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the Enlightenment, and arguably of the liberalism Rorty wants to defend. Yet Rorty's justification for our commitment to "Enlightenment values"—that they are *ours*—is itself a repudiation of this value. He wants us to affirm anti-ethnocentric Enlightenment values for ethnocentric Counter-Enlightenment reasons.

Rorty makes many strong claims about the history of philosophy, justification, psychology, the effects of irony on value commitments, and the relationship between theory and practice. The status of these claims can be interpreted in two ways, both of which present great problems for him. On the one hand, he can say that they are true, and preferable for that reason. If Rorty's claims are to be understood in this way, then he cannot escape providing reasons for them—including his claims that "Enlightenment" culture cannot foundationally ground its claims to truth and normative validity, and that we can abandon epistemology as a foundational discipline—if we are to have any rational justification for believing him. If this is how we are to understand Rorty, then he has singularly failed to redeem the validity of his claims about the errors of "Enlightenment" (realist) philosophy.

On the other hand, Rorty can deny that his own claims are true. While his account of the ways that Enlightenment philosophy (and not only Enlightenment philosophy) is mistaken certainly *appears* to be consistent with the belief that his account is true, he is quite explicit in denying this. He writes that, while he thinks that his views "are better than the realists' [views]," he does not think that his views "correspond to the nature of things . . . the word 'true' . . . is merely an expression of commendation" (Rorty 1991, 23). Rorty abandons rational argument fairly early on in the process and merely ends up preaching to the converted. He gives the reader claims with one hand, only to take them away with the other by removing their "truth" status, so that he ends up, in effect, saying something like the following: "I prefer liberal values and institutions to the alternatives. This is because they are the dominant beliefs of the *ethnos* in which I was raised and with which I identify. Those who share my background will probably share my preferences. If not, then there is nothing that I can say to rationally persuade them to alter their preferences. Nor can I say that my preferences are closer to an objective truth than theirs are. They are just my preferences, and I commend them to you as such (and only as such)."

In other words, Rorty admits that there are no reasons for anyone to agree with him about his value preferences unless they already share his political perspective. What may be a reason for him cannot be assumed

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to be a valid reason for them, in which case further argument is pointless. Such a position is unapologetically non-rational. If that is indeed the case, then the question posed earlier—why does he continue to respond to his critics?—begs an answer with even greater urgency.

* * *

In theology, the view that faith needs no justification from reason is usually called fideism. In this view, basic religious beliefs cannot be established by rational means, but only accepted by an act of faith, and are therefore impervious to rational criticism since, in the words of the eighteenth-century Christian fideist J. G. Hamann (1949, 74), "faith is not the work of reason, and therefore cannot succumb to its attack."

Richard Rorty is a liberal fideist. Like his theological cousins, he eschews what he believes is the vain search for rational foundations for the liberal values he prescribes in favor of conformity to a particular tradition with which he identifies, but which he says he cannot and should not try to justify. Unlike many skeptics, however, Rorty does not favor relaxing the bow of his commitments and retreating to a posture of ataractic indifference. On the contrary, he favors an unflinching commitment to the political principles of an "Enlightenment" civil religion—but one without foundations, theological or otherwise. Philosophers have little or nothing to contribute to the promotion of Enlightenment values in Rorty's post-philosophical world. What is needed instead is an Enlightenment Legislator who, as Rousseau (1959, 383) wrote, can "persuade without convincing"—using neither force nor reason. In one sense it is a tall order. In another sense, nothing could be more complacent.

NOTES

1. Few things are more common in the scholarly literature than expressions such as "Enlightenment liberalism" (Arblaster 1984, 195) or comments like "I take liberalism to be essentially an Enlightenment tradition" (Pettit, 1994: 180–81); "liberalism may be said to have received definite expression during the eighteenth century" (Schapiro 1958, 16); and "the history of liberalism in continental Europe and the spread of the Enlightenment must be regarded as aspects of one and the same current of thought and practice" (Gray 1986, 16).
2. Rorty's frequent reference to "throwing away the ladder" is borrowed from Ludwig Wittgenstein (1995, 189).

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3. Berlin's comment on Schumpeter's claim about our commitments also elicits Rorty's approval. Berlin writes: "To demand more than this is perhaps a deep and incurable metaphysical need; but to allow it to determine one's practice is a symptom of an equally deep, and more dangerous, moral and political immaturity" (Berlin 1969, 172).
4. The fact that the causal chain of our values is contingent does not mean that they are untrue. Rorty sometimes seems to confuse the two issues.
5. For Gray, Rorty's historicization of Enlightenment values—his denial that they are really "true" in a metaphysical sense—must necessarily weaken our commitment to them. "What Christianity and the dwindling cultural legacy of the Enlightenment did," Gray (1995b, 4–5) argues, "was to confer on the most central practices of Western societies the imprimatur of universal authority. . . . Can we reasonably expect Western liberal institutions to survive unchanged a cultural mutation in which their universal claims are abandoned?" The answer that he gives to this question is an emphatic "no." This is because "liberalism must claim special status for itself. . . . For liberalism to become merely one form of life among others would involve as profound a cultural metamorphosis as Christianity's ceasing to make any claim to unique and universal truth. Both would entail a mutation in the identity of the form of life as we have known it in historical practice" (Gray 1995a, 77). Although Gray interprets the failure of the "Enlightenment project" as a disaster for liberalism, he does not see this as a disaster for humanity, since he is opposed to both the liberalism and the universalism of the Enlightenment.
6. For Rorty (1989, 83), Jürgen Habermas is typical of the other point of view on this matter:

> Habermas shares with the Marxists, and with many of those whom he criticizes, the assumption that the real meaning of a philosophical view consists in its political implications, and that the ultimate frame of reference within which to judge a philosophical, as opposed to a merely 'literary' writer, is a political one. For the tradition within which Habermas is working, it is as obvious that political philosophy is central to philosophy as, for the analytic tradition, that philosophy of language is central.

This misrepresents Habermas's position, which he summarized in an interview in terms that sound much closer to Rorty's view than the latter would admit:

> Philosophers are not teachers of the nation. They can sometimes—if only rarely—be useful people. . . . This is what I think philosophers should also do: forget about their professional role and bring what they can do better than others into a common business. But the common business of political discourses among citizens nevertheless stays what it is. It is not a philosophical enterprise. . . . But it is fair to ask: how could anyone focus on moral intuitions and reconstruct them, before having them—and how do we get them? Not from philosophy, and not by reading books. We acquire them just by growing up in a family. This is the experience of

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everyone, except perhaps the limit-cases of psychopaths with no moral sensibility whatsoever. (Habermas 1986, 199–202.)

7. On Hans Blumenberg's distinction between self-foundation and self-assertion, see his *The Legitimation of Modernity* (1982).
8. Not all *philosophes* agreed with Diderot. Some, such as Voltaire, thought that a belief in God is essential to morality, at least among the unenlightened masses. He therefore wanted it exempt from critical scrutiny. "I want my attorney, my tailor, my servants, even my wife, to believe in God," he commented, "and I fancy that as a result I shall suffer from less theft and less cuckoldry" (Voltaire 1994, 190). He also wrote paternalistically that "if God did not exist, it would be necessary to invent him" (Voltaire 1877, 402–3).
9. Beiner (1997, 85) is in basic agreement with Rorty on this question, writing: "At least in principle, traditional ethics can survive the demise of traditional metaphysical worldviews. What is decisive, of course, is whether these ethical traditions continue to be reflected in the actual life and practices of historical societies; and this is something that is entirely independent of the efforts of philosophers and theorists." For Beiner's criticisms of Rorty, see his *Critical Review* article on Rorty (1993). Beiner's Rortyan view of the role of theory is also spelled out in the chapter on "The Limits of Theory" in his *What's the Matter with Liberalism?* (1992).
10. "For it seemed good to the Holy Ghost and to us, to lay upon you no greater burden than these necessary things; That ye abstain from meats offered to idols, and from blood, and from things strangled, and from fornication: from which if ye keep yourselves, ye shall do well" (Acts 15: 28–29).
11. Rorty writes in *Truth and Progress* that "one important intellectual advance that has been made in our century is the steady decline in interest in this quarrel between Plato and Nietzsche about what we are really like. There is a growing willingness to neglect the question 'What is our nature?' and to substitute the question 'What can we make of ourselves?'" (1998, 169).
12. Charles Taylor argues vigorously for the view that theory plays a vital role in supporting or undermining our practices. He claims that our self-descriptions are constitutive of our practices, and that these self-descriptions can be undercut, bolstered, or transformed by theories. Theory, he writes, "has an important use to define common understandings, and hence to sustain or reform political practices, as well as serving on an individual level to help people orient themselves" (Taylor 1985, 107).
13. Rorty also discusses relativism in his *Objectivity, Relativism, and Truth* (1991, 23–24, 202).

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TWO-FACED LIBERALISM: JOHN GRAY'S PLURALIST POLITICS AND THE REINSTATEMENT OF ENLIGHTENMENT LIBERALISM

ABSTRACT: *In* Two Faces of Liberalism, *John Gray pursues the dual agenda of condemning familiar liberal theories for perpetuating the failed "Enlightenment project," and promoting his own version of anti-Enlightenment liberalism, which he calls "modus vivendi." However, Gray's critical apparatus is insufficient to capture accurately the highly influential "political" liberalism of John Rawls. Moreover, Gray's modus vivendi faces serious challenges raised by Rawls concerning stability. In order to respond to the Rawlsian objections, Gray would have to reinstate the aspirations and principles characteristic of Enlightenment theories of liberalism.*

The history of liberal political theory is marked by a trio of related aspirations. The first of these may be called its *philosophical* aspiration. Traditionally, liberal thinkers proposed philosophical principles from which the legitimacy of a liberal political order could be derived. In this sense, traditional theorists of liberalism presupposed a foundationalist view of political justification; they thought that the liberal political order was in need of philosophical support, since the legitimacy of the liberal regime depended upon philosophical premises. Hence one finds in Locke (1689a) appeals to divinely conferred rights as the foundation from which a liberal politics follows; in Kant (1785), it is the very idea of ra-

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tional agency that provides the groundwork for the liberal state; and Mill's liberalism (1859) follows from the combination of hedonism with the Greatest Happiness Principle. In the philosophical tradition, the project of identifying theoretical foundations for liberal politics was taken as the distinctive office of liberal political philosophy. The aim was to discover or devise a firm foundation for liberal politics.

The remaining two aspirations concern the scope of liberalism's philosophical ground. Since one of the basic commitments of liberalism is the principle that the consent of those subject to any proposed political order is a necessary condition for the legitimacy of that order, liberal thinkers of the past aimed for a theory that could in principle command the assent of all persons subject to the liberal state. Call the desire for an account of liberalism that can command the assent of all citizens the *consensus* aspiration.

The aspiration for consensus, of course, places some constraints upon the kind of philosophical claim to which one may appeal in constructing the groundwork for the liberal state. These constraints have generated the familiar dichotomies between the right and the good on the one hand, and the public and the private on the other. It was thought that although citizens may never reach a consensus concerning the good life, they may nevertheless be brought to agree upon a set of uncontestable first principles that could establish the general public framework within which each may pursue his private ends. Insisting that political first principles could be derived independently of the theory of the good, questions of the good were relegated to the private realm, and liberal theory focused almost exclusively upon the theory of the right.

A philosophical ground for liberal politics that aspires to win the assent of citizens who may be divided at the level of the good must appeal to some purportedly fundamental fact about human beings or to some commonality which underlies the differences among individual persons. Traditionally the idea of a universal human nature is employed to this end. If, as Kant argued (1785), it is the very nature of a human being to be an autonomous agent, one can devise a theory of the right drawing only upon considerations regarding the conditions necessary for autonomous agency; alternatively, if Jefferson (1776) is correct to assert that every individual is created equal, then this fundamental equality can serve as a basis for politics. Kantian autonomy and Jeffersonian equality may be asserted without invoking or favoring any specific conception of the good; hence they may be the focus of a consensus

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among citizens otherwise divided over moral and religious fundamentals.

However, if the philosophical foundation for liberalism is sought within purportedly *universal* facts about human beings, then the resulting theory of liberalism will serve not only to legitimize the liberal state, it will demonstrate the illegitimacy of illiberal regimes. In this way, the traditional liberal theorists aspired to produce a *universally valid* political philosophy according to which, of all possible regimes, only a liberal regime is legitimate. Hence the traditional theories are addressed not merely to some local population of liberal citizens, but ultimately to human beings as such. This is the *universalist* aspiration of liberal theory.

Let us use the term "Enlightenment liberalism" to denote any liberal theory that attempts to satisfy the three aspirations delineated above. The familiar liberal theories of Locke (1689a; 1689b), Kant (1785; 1793), Mill (1859), Berlin (1969), and the early Rawls (1971) fit nicely into this category, even though, of them, only Kant falls within the confines of the eighteenth-century movement strictly associated with the Enlightenment, and despite the illiberal ideas of many thinkers who were, strictly speaking, members of the Enlightenment.[1]

Pluralism and "Liberalism's Problem"

Of course, the aspirations of Enlightenment liberalism may conflict. Much of recent political theorizing is focused on the effect of *pluralism* upon the traditional project of liberal theory. Most generally, pluralism is the thesis that there are a number of equally reasonable yet mutually incompatible philosophical, moral, and religious doctrines, each of which promotes its own distinctive vision of value, truth, obligation, human nature, and the good life.

One may distinguish various species of pluralism. On some views, pluralism is the outcome of the limitations of human reason, and hence is primarily a thesis of epistemology. According to this version of pluralism, since human reason is imperfect and questions of ultimate value are highly complex, one cannot expect all competent reasoners to come to agreement on matters of philosophical, moral, or religious fundamentals. Consequently, there is a plurality of doctrines that are each compatible with the full exercise of human reason but incompatible with each other; a plurality of incompatible doctrines may be equally well justi-

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fied, and hence there would be no principled way to adjudicate conflicts between them.

Not all pluralism is of the epistemological variety. A more robust, ontological pluralism sees the philosophical, moral, and religious facts themselves as "plural" in that incompatible statements, each of which prescribes different actions and judgments, may be true at the same time. Since moral reality is plural and conflicted, the ontological pluralist is also committed to pluralism at the epistemological level; because moral facts conflict, there are a number of equally reasonable but incompatible moral beliefs and judgments. Like the epistemological pluralist, the ontological pluralist dismisses the possibility of adjudicating conflicts between basic philosophical, moral, and religious doctrines in any principled way.

It is not an objective of this paper to assess the plausibility of pluralism as a philosophical position. What is germane to the present discussion is the intuition, common among current political theorists, that the traditional aspirations of liberal theory cannot be maintained in light of pluralism.

That pluralism tends to frustrate the desiderata of traditional liberal theory is easy to demonstrate. If there are no fundamental premises that all rational humans share, or can be rationally persuaded to share, then there is no raw material from which a universally valid philosophical account of liberal politics can be constructed. Similarly, when the citizens of a given society are deeply divided at fundamental levels, there can be no single philosophical argument for a liberal polity that can command the assent of all. In short, under conditions of pluralism, the philosophical, consensus, and universalist aspirations of traditional liberal theory are at the very least in tension, if not strictly incompatible.

The fact that contemporary liberal societies are becoming increasingly pluralistic has brought the latent tension in the traditional liberal project to the foreground of recent theory. Unlike Locke's Britain, which was so uniformly Christian that he could base his doctrine of natural rights upon the divine creation of Man and so contend that "those are not at all to be tolerated who deny the being of God" (1689b, 313), contemporary liberal societies contain persons of all religious faiths, and extend the equal protection of the law even to atheists. While Locke (ibid.) claimed that "the taking away of God, though but even in thought, dissolves all," contemporary liberal theorists must seek more inclusive premises. Hence there has arisen what Douglas Den Uyl (2000, 61) fittingly calls "liberalism's problem": Are there premises avail-

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able that can firmly ground liberal politics *and* recognize the deep pluralism that prevails in contemporary liberal states?

In light of this problem, many theorists have weakened or abandoned the aspirations of Enlightenment liberalism and posed what may be called "thin" theories of liberalism. Some thin liberal theories explicitly reject the idea of a philosophical foundation for political practice; others reject the need for consensus among citizens; still others abandon the hope of responding to illiberal regimes. Accordingly, much of contemporary liberal theory marks a decisive shift away from the traditional enterprise of political philosophy.

There is doubt, however, whether any thin liberalism can solve liberalism's problem. Can a thin liberalism be both consistent and sufficiently robust to be properly classified as a political *theory*? Any robust account of liberalism runs the risk of presupposing philosophical claims over which citizens are divided, thereby frustrating pluralism. An account that is thin enough to avoid this, however, runs the risk of being indistinguishable from mere propaganda or apologetics for the liberal state. Those who think that philosophy is something different from propaganda should want to avoid this.[2] What's a liberal philosopher to do?

In what follows, I shall critically examine a recent proposal for dealing with liberalism's problem developed by John Gray in, *Two Faces of Liberalism* (New York: New Press, 2000). My criticism will proceed mostly by way of bringing Gray's position into dialogue with another major liberal attempt to accommodate pluralism, namely, John Rawls's political liberalism. Drawing upon Rawls's work, I argue that not only does Gray's view face serious difficulties, but also that Gray must reinstate key elements of Enlightenment liberalism if he is to respond to them. Hence Gray's liberalism is "two-faced" insofar as it presents itself as an anti-Enlightenment view but actually maintains much of the liberal Enlightenment tradition.

Gray's "Two Faces" Thesis

In *Two Faces of Liberalism*, Gray promotes what seems a distinctive resolution of liberalism's problem. Gray's proposal begins with a fascinating view of the nature of pluralism and culminates in a politics aimed at preserving the conditions of "peaceful coexistence" among divided citizens. Gray's argument progresses concurrently along two intertwined trajectories. There is on the one hand a critique of Enlightenment lib-

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eralism; on the other hand there is a positive case for what Gray contends is a more adequate liberal politics.

On the critical side, Gray reads the liberal tradition as being hopelessly committed to the incoherent idea of a "universal regime" founded upon "universal principles" (2). In the terms of the analysis set out above, Gray opposes the consensus and universalist aspirations of the liberal tradition; these aspirations together constitute one of the "two faces" of liberalism alluded to in Gray's title. Gray's critique follows from his commitment to the thesis he calls "value pluralism" (6). He argues that if value-pluralism is true, then there can be no universal account of liberal politics, and thus no hope of a local consensus upon any given liberal theory; hence, "if liberalism has a future, it is in giving up the search for a rational consensus on the best way of life" (1).

The positive dimension to Gray's argument is proposing an anti-universal and anti-consensus view of liberalism, what he calls "modus vivendi" (6). Modus vivendi, the second and, according to Gray, better of liberalism's two faces, aims not for universal consensus upon a single philosophical doctrine, but rather for "terms of coexistence between different moralities" (138). Whereas Enlightenment liberals addressed the question, Upon what philosophical ground can one demonstrate the legitimacy of a liberal political order?, Gray raises a different concern:

> The issue that should shape the agenda of political thought is . . . how the diversity of individuals and communities in late modern societies can coexist in common institutions which they accept as legitimate. (122)

Gray offers his modus-vivendi liberalism as the resolution of the issue of peaceful coexistence among persons who, due to the fact of value pluralism, hold conflicting values.

It is important to note that although Gray rejects the consensus and universalist aspirations of traditional liberal theory, he retains the philosophical aspiration. As has already been suggested, the key philosophical premise in Gray's political thinking is value pluralism. As Gray formulates it, value pluralism is an example of the ontological pluralism discussed above; value pluralism is the thesis that "there are many conflicting kinds of human flourishing, some of which cannot be compared in value" (6).[3] Gray argues that it is the inability of traditional liberal theories to acknowledge the truth of value pluralism that renders them in-

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adequate; "if a pluralist account of the human good is true, the claims of fundamentalist [viz., Enlightenment] liberalism are spurious" (21).

Value pluralism is not only a critical tool for Gray; it plays a foundational role in his positive alternative. Despite Gray's claim that "the task of political philosophy is not to give practice a foundation" (139), it is the truth of value pluralism that provides the "underpinning" of his own modus-vivendi liberalism (6). Indeed, Gray maintains that modus vivendi is the "application of value pluralism to political practice" (25).[4]

As Gray's argument progresses along tandem critical and constructive paths, there are two clear lines of examination to pursue. One line questions the adequacy of his critique of the liberal tradition; the other challenges the cogency of his modus-vivendi liberalism. Gray's argument fails on both counts.

A Third Face: Rawls's Political Liberalism

The most striking feature of Gray's critique of traditional liberal theory is his insistence upon the strict dichotomy between Enlightenment liberalism and his own modus-vivendi view. Gray's reduction of all liberal views other than his own to but a single error is a bit overstated, and I think there is much to question in his analyses of John Stuart Mill, Isaiah Berlin, Michael Oakeshott, and others; however, I shall not dwell on this point. The principal failing of Gray's disjunction is that it prevents him from engaging recent and influential forms of liberalism that attempt to cut a middle path between Enlightenment liberalism and the kind of modus vivendi Gray proposes. Since Gray must construe any such attempt as just another version of Enlightenment liberalism to keep his "two faces" thesis in place, he is forced to promote uncharitable readings of some prominent recent theorists. Accordingly, Gray is unable to anticipate the kinds of objections to his own view that these theorists are likely to launch. This latter defect in Gray's presentation leaves his modus vivendi open to some obvious criticisms raised later in this essay.

There is little doubt that the most sophisticated attempt at an anti-Enlightenment liberalism that aspires to more than a modus vivendi is found in the recent work of John Rawls. Like Gray, Rawls (1996, xxvi) begins from the fact of pluralism and acknowledges that the "absolute depth" of the "irreconcilable latent conflict" among citizens at fundamental religious, moral, and philosophical levels frustrates the traditional

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aspirations of liberal theory.[5] Accordingly, Rawls and Gray both reject the project of Enlightenment liberalism; Gray would certainly applaud Rawls's claim that "the question that the dominant tradition has tried to answer has no answer" (ibid., 135). Furthermore, Rawls offers a reconstruction of the aim of liberal philosophy that is similar to Gray's statement cited above. Like Gray, according to whom the focus of political thinking should be how coexistence might be possible among divided citizens, Rawls (ibid., 4) maintains that the principal question for liberal political philosophy is,

> How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?

Rawls offers his "political liberalism" as the proper response to this question. Unlike Enlightenment liberalism, Rawls's political liberalism does not attempt to construct a proof of the legitimacy of a liberal political order from philosophical premises. Rather, Rawls (1996, 10) promotes a conception of liberalism that "applies the principle of toleration to philosophy itself"; that is, political liberalism "deliberately stays on the surface, philosophically speaking" and looks "for ways to avoid philosophy's longstanding problems" (1985, 395).

Eschewing philosophical foundations, Rawls (1985, 410) grounds his liberalism in the "basic intuitive ideas found in the public culture of a constitutional democracy." Using these as a "shared fund of implicitly recognized basic ideas and principles" (1996, 8), Rawls attempts to devise an account of liberalism that is "political" in beginning from within a particular political tradition, and addressing itself to the citizens who are the inheritors of that tradition. The test of the adequacy of such an account therefore does not lie in the cogency of its philosophical underpinnings, but rather in its ability to organize the considered intuitions of liberal citizens.

> We collect such settled convictions as the belief in religious toleration and the rejection of slavery and try to organize the basic ideas and principles implicit in these convictions into a coherent political conception of justice. (Rawls 1996, 8)

Rawls rejects the philosophical and universalist aspirations of Enlightenment liberalism; however, it must be emphasized that he retains the consensus aspiration. Rawls (1996, 38) claims that if a liberal politi-

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cal order is to be stable, it "must be willingly and freely supported by at least a substantial majority of its citizens"; however, in light of pluralism, there seems to be no common ground upon which to build such a consensus. Hence Rawls confronts the same problem that Gray takes to be pressing.

Insisting that "a constitutional regime does not require agreement on a comprehensive doctrine" because "the basis of its social unity lies elsewhere" (1996, 63), Rawls proposes the idea of an "overlapping consensus" (ibid., 144) focused on the basic principles of a liberal regime. That is, Rawls argues that the basic principles of liberal politics can be formulated at such a level of generality as to function as a "module" (ibid., 12) that may fit neatly with the various philosophical, moral, and religious doctrines that citizens may adopt. Hence, in a regime of political liberalism, the basic political framework and social institutions are directed by a set of principles which are such that each citizen sees them as a reasonable expression in the political domain of his or her own moral, religious, or philosophical doctrine. In this way, political liberalism is both independent of any particular philosophical, moral, or religious doctrine and is able to command the assent of citizens under conditions of pluralism.

Of course, questions regarding the cogency of political liberalism remain, and Rawls has been strongly criticized from a variety of philosophical perspectives.[6] However, the plausibility of Rawls's political liberalism is not our concern. The point is rather that political liberalism does not fit Gray's "two faces" thesis. Rawls's political liberalism is an anti-philosophical and anti-universalist liberalism that rejects Gray's modus vivendi. Any useful map of the terrain of liberal theory must at the very least be able to capture the view that is arguably the most influential political philosophy currently on offer.[7] Hence Gray's "two faces" thesis poses a false dichotomy; there are at the very least three faces of liberalism.

Liberalism and Consensus

Gray may defend his "two faces" view by suggesting that political liberalism is indeed a species of Enlightenment liberalism in that it seeks a consensus among citizens on a single conception of political justice. Gray apparently maintains that any liberal theory that strives for con-

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sensus upon a conception of justice is *ipso facto* a brand of Enlightenment liberalism and therefore nonviable. He writes,

> Rawlsian liberalism seeks to transcend pluralism by developing an agreed conception of justice. In so doing it reposes extravagant hopes in the overlapping consensus which it imagines it has found in some late modern societies. As a consequence, its real aim is the restoration of a non-existent or vanishing ethical monoculture. (139)

Gray argues that consensus regarding the right can be secured only if pluralism at the level of the good is denied. Hence, as political liberalism seeks consensus regarding principles of justice, it must reject value pluralism. Therefore, Gray concludes, political liberalism is only apparently committed to pluralism; it is actually Enlightenment liberalism in disguise.

However, Rawls's concept of an overlapping consensus is to be distinguished from what may be called a "philosophical consensus," and Gray's argument follows only if these are conflated. Where there is a philosophical consensus upon a principle, there is agreement regarding the principle *and* the grounds upon which it is to be accepted. A philosophical consensus on liberal politics, then, requires not only agreement regarding the basic principles of justice but also agreement regarding the reasons for accepting those principles. Agreement at the deeper level of *reasons for accepting a principle* will inevitably require agreement on philosophical fundamentals; therefore a philosophical consensus can be won only at the expense of pluralism. Accordingly, a liberal theory that requires a philosophical consensus may safely be classed as a species of Enlightenment liberalism: the aspiration for philosophical consensus ordinarily implies the other two traditional aspirations.

Yet we have seen that Rawls's political liberalism seeks not a philosophical consensus, but an overlapping consensus. Where there is an overlapping consensus concerning some principle there is agreement regarding the principle, but not necessarily regarding the reasons why it should be accepted. Thus, there may be an overlapping consensus regarding the basic principles of a liberal regime, even though there are deep disagreements among citizens concerning the grounds upon which those principles should be accepted. Rawls thus seeks to articulate basic principles of justice that can be accepted by, for example, utilitarians, Kantians, and natural-law theorists, because each can see the principles as an appropriate political expression of his or her own view

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of the good. In this way, we may imagine an overlapping consensus on the principle that slavery is unjust. Of course, utilitarians, Kantians, and natural-law theorists will offer different *accounts* of the injustice of slavery. It is precisely this pluralism at the level of philosophical fundamentals that political liberalism leaves in place. Thus the political liberal seeks the kind of consensus that surely does not amount to the "restoration" of an "ethical monoculture" (139). Gray's critique is misplaced.

Modus Vivendi and Stability

I have thus far demonstrated that Gray's general schema for criticizing other liberal theories is insufficient in that it does not capture Rawls's political liberalism, and thereby fails to address the most prominent liberal counterproposal to his own view. I have also argued that Gray's attempt to cast Rawls in terms of the "two faces" thesis misconstrues the idea of an overlapping consensus. When properly understood, Rawls's political liberalism cannot be regarded as just another version of Enlightenment liberalism. Thus, Gray has not shown that political liberalism is a nonviable liberal theory; if political liberalism is indeed insufficient, it is for reasons other than the ones has Gray raised.

However, even if Gray's critical enterprise has failed, it still may be the case that modus vivendi is superior to any other liberal theory, including Rawls's political liberalism. I now turn to some criticisms of modus vivendi. Rawls himself has raised some serious concerns about modus vivendi; I shall draw upon these in my discussion of Gray.

Rawls's rejection of modus vivendi stems from his concern with what he calls the "question of stability" (Rawls 1996, 140). According to Rawls, where there is a modus vivendi, each citizen endorses the basic political arrangement as a matter of concession; such citizens accept the liberal political order as a second-best or less-than-ideal arrangement. That is, when a citizen accepts a liberal order as a modus vivendi, she accepts the liberal regime as a passable compromise between what she sees as the best political arrangement (viz., one based solely upon her own idea of the good) and the worst (viz., one based solely upon an idea of the good that opposes her own). Rawls argues that this state of affairs makes for an inherently unstable political order.

To elucidate his argument, Rawls (1996, 48) cites an example regarding the conflict between Catholics and Protestants in the sixteenth century:

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> Both faiths held that it was the duty of the ruler to uphold the true religion and to repress the spread of heresy and false doctrine. In such a case the acceptance of the principle of toleration would indeed be a mere modus vivendi, because if either faith becomes dominant, the principle of toleration would no longer be followed.

Rawls (ibid., 147) maintains that a modus-vivendi political order is unstable because it relies upon "circumstances remaining as such as not to upset the fortunate convergence of interests" among the competing ways of life within society. Since the political circumstances that establish the conditions for balancing the power and interests of competing ways of life are themselves unstable and prone to fluctuation, so is the political order. Where liberal political principles are accepted as a modus vivendi between incompatible ways of life, they will be abandoned once the balance of power among citizens changes in favor of one of the competing doctrines. Hence, Rawls concludes, a modus-vivendi liberal society will not remain liberal for long; some deeper kind of agreement (viz., an overlapping consensus on liberal principles) must be sought.

Gray will respond to this argument by posing certain "limits on what can count as modus vivendi" (138). In particular, he asserts that there is "a coherent view of human rights" according to which individuals must be protected from "evils that forestall anything recognizable as a worthwhile human life" (138). We may conclude, then, that even though Gray asserts that the sole objective of politics should be peaceful coexistence, a peaceful political order based upon the oppression and humiliation of some minority cannot qualify as a modus vivendi (107). In other words, a modus vivendi must uphold certain basic principles; "human rights are constraints on the pursuit of coexistence" (138).

Thus, Rawls's worries over stability are apparently defused: the conditions of coexistence are constrained because "there are minimal standards of decency and legitimacy that apply to all contemporary regimes" (109). As Gray explains further,

> In contemporary circumstances, all reasonably legitimate regimes require a rule of law and the capacity to maintain peace, effective representative institutions, and a government that is removable by its citizens without recourse to violence. In addition, they require the capacity to assure the satisfaction of basic needs to all and to protect minorities from disadvantage. Last, though by no means least, they

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> need to reflect the ways of life and common identities of their citizens. (107)

Regimes that fail to meet these minimal criteria are illegitimate. Gray continues,

> Regimes in which genocide is practised, or torture institutionalized, that depend for their continuing existence on the suppression of minorities, or of the majority, which humiliate their citizens or those who coexist with them in society, which destroy the common environment, which sanction religious persecution, which fail to meet basic human needs in circumstances where that is practically feasible or which render impossible the search for peace among different ways of life—such regimes are obstacles to the well-being of those whom they govern. Because their power depends on the infliction of the worst universal evils, they are illegitimate, however long-lived they may be. (Ibid.)

It turns out, then, that achieving a modus vivendi is not simply a matter of balancing contending forces or reluctantly agreeing with one's opponents to maintain peace. A modus vivendi of the sort Gray endorses involves not merely the *coexistence* of opposed ways of life, but coexistence based upon *reciprocity* among otherwise conflicting groups. That is, Gray's modus vivendi depends upon citizens *acknowledging* that the ways of life opposed to their own may realize distinct human goods, and that the proponents of these other doctrines are not necessarily in error. In an almost Kantian remark, Gray claims that "without institutions in which different ways of life are accorded respect there cannot be peaceful coexistence between them" (20); his modus vivendi requires that the contending ways of life *respect* each other. Thus we may say that the stability of Gray's modus vivendi lies in the citizens' ability to *recognize* other and conflicting ways of life as possibly valid if not positively good. Citizens must see each other in roughly Millian terms: each is a fellow experimenter in living, and no one has the right to interfere with another's experiments except in special cases, such as to prevent harm to others. The reason no one may interfere with another except in the noted cases is that such interference blocks the realization of one of the many distinctive human goods. Recognizing this, citizens "search for terms of coexistence between different moralities" (138) and thus willingly endorse a modus vivendi among themselves in a way that does not succumb to Rawls's stability concerns.

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Enlightenment Liberalism Returns

Gray's characterization of the minimal criteria for political legitimacy glosses over the reasons for human conflict much too briskly. Why, for example, should Catholics seek reciprocal terms of coexistence with persons they see as heretics? Why should the objective of establishing the kind of respect-based modus vivendi Gray prescribes take priority over other substantive goals to which Catholics are committed, such as preventing the spread of irreligiosity, promoting the truth, and saving souls? Why shouldn't Catholics seek a politics that suppresses theological error? To put the question most generally, why should the proponents of contending ways of life respect each other in the way Gray claims is necessary for a legitimate modus vivendi?

One way to answer this question is to claim that respect and reciprocity are values that override conflicts among contending ways of life. Yet this response is not open to the value pluralist since one of the principal implications of value pluralism is precisely that there *are* no overriding values by which conflicts between different ways of life can be resolved. Gray acknowledges this difficulty, writing that,

> the case for modus vivendi is not that it is some kind of transcendent value which all ways of life are bound to honor. It is that all or nearly all ways of life have interests that make peaceful coexistence worth pursuing. (135)

But here Gray has moved into dangerous territory. Are we to think that the Catholic believes that *his own* interests *qua* Catholic are advanced if he seeks terms of peaceful coexistence with Protestant heretics? It is by no means obviously in the interest of the Catholic to establish peaceful relationships with promoters of theological error. If the Catholic seeks the kind of peace Gray imagines, it must be because the Catholic believes that the Protestant way of life is valuable insofar as it advances the interests of Protestants. This would be to recognize that the Protestant way of life realizes a distinctive set of human values. But only a Catholic who is also a value pluralist can believe this; and it could be argued that a value-pluralist Catholic is not a Catholic at all.

Insofar as Gray envisions a modus vivendi based not simply upon the precarious balance of contending powers, but on mutuality and reciprocity among proponents of competing ways of life, Gray has tacitly inserted a robust and contestable philosophical principle into his for-

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mula. Specifically, Gray's image of a modus vivendi in which citizens willingly endorse liberal terms of peaceful coexistence presupposes that each citizen accepts the truth of value pluralism. However, value pluralism is a doctrine that is inconsistent with many of the ways of life that Gray seeks to harmonize. Catholics, Protestants, utilitarians, and Marxists do not see one another as proponents of "different moralities" (138); they see each other as promoters of *defective* moralities or plain *immorality*.

In truth, then, like familiar varieties of Enlightenment liberalism, Gray's modus vivendi is grounded in a substantive philosophical view, value pluralism. Insofar as he would require people to recognize that opposing ways of life may realize distinctive human values, he requires them to revise their own moral doctrines to accommodate value pluralism. The Catholic must jettison the part of her doctrine claiming that Protestants are heretics and replace it with a pluralist view, according to which Protestantism manifests its own distinctive type of human good; Protestants must make similar revisions, as must utilitarians, Kantians, Marxists, and proponents of all other nonpluralist doctrines. The fact is that the type of political order Gray envisions requires consensus on the kind of universal morality typical of Enlightenment liberalism; Gray leaves intact its philosophical and consensus aspirations.

But what of the universalist aspiration? Gray certainly claims to have repudiated the notion that the liberal political order is the only one that is legitimate; he rejects liberalism as a "prescription for a universal regime" (2) and contends that "a regime can be highly legitimate without honoring values that are distinctively liberal" (110). Nonetheless, Gray's "minimal standards of political legitimacy," which are to be "applied to all regimes" (106), identify conditions that are characteristically liberal, such as the "rule of law and the capacity to maintain peace, effective representative institutions, and a government that is removable by its citizens without recourse to violence" (107). Gray's image of an illegitimate regime likewise strikes familiar chords. According to Gray, any regime that practices genocide, torture, or religious persecution, or that systematically suppresses minorities, or that destroys the environment, or that fails to meet basic human needs, is illegitimate (107). But this is to say that any thoroughly illiberal regime is illegitimate, and that as a regime becomes more like a liberal regime in its policies, it becomes more legitimate. Insofar as Gray's minimal standards of legitimacy coincide with the principles basic to a liberal order, Gray retains much of the spirit of the traditional universalist aspiration.

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Liberalism without Enlightenment?

In spite of recurring pretensions to the contrary, Gray's modus vivendi offers little in the way of a viable alternative to Enlightenment liberalism. In order to respond to Rawlsian stability concerns, Gray must place constraints on what can count as a modus vivendi; in formulating these constraints he must appeal to philosophical principles, and he must suppose a consensus among citizens with regard to these principles. Gray's liberalism is itself two-faced: whereas modus vivendi poses as an anti-Enlightenment liberal theory, it reinstates all of the traditional aspirations of liberal theory.

Although I have appealed to Rawls in posing my criticisms of Gray, I share Gray's estimation of political liberalism as a "species of anti-political legalism" (16). That is, I agree with many others that Rawls's strategy of recasting substantive liberal principles as strictly "political" and hence beyond philosophical debate is a mistake; Rawls's ideal of a theory that is "political, not metaphysical" (1985) and philosophically "freestanding" (1996, 12) is chimerical. If these doubts about political liberalism and my arguments against Gray are both correct, then we may conclude that two of the most sophisticated attempts to construct an anti-Enlightenment, pluralist liberalism have failed. This may evoke unsettling suspicions: Is the project of liberal politics so essentially bound up with certain Enlightenment ideas that if the latter go by the board, so too must the former? Is the very idea of an anti-Enlightenment liberal theory incoherent? Might "liberalism's problem" be insoluble?

NOTES

1. It is common practice among political philosophers to equate "the Enlightenment" with the tradition of rights-based liberalism associated principally with Kant. This is of course a gross oversimplification: the Enlightenment was not uniformly liberal. I use the term "Enlightenment liberalism" to remind us of the fact that a wide variety of political views were promoted in the name of "enlightenment," some of them quite illiberal.
2. There are those who deny that philosophy is different from propaganda. Richard Rorty, for example, believes in "putting democratic politics first and tailoring a philosophy to suit" (1988, 78); in his view, political philosophy should aim to inspire hope rather than attain truth (1998).
3. In an earlier statement, the ontological character of Gray's pluralism is even more clear; there Gray (1995, 68–69) writes that value pluralism is "the theory that there is an irreducible diversity of ultimate values (goods, excellences, op-

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tions, reasons for action and so forth) and that when these values come into conflict or competition with one another there is no overarching standard or principle, no common currency or measure, whereby such conflicts can be arbitrated or resolved."

4. But compare Gray's puzzling claim that "value-pluralism does not strictly entail modus vivendi. As a matter of logic, value-pluralism cannot entail any political project" (135). It is not clear what logic Gray is appealing to here. It seems that value pluralism may logically entail any number of political projects, particularly those consistent with value pluralism. Perhaps Gray's point is that value pluralism does not entail any one political project *exclusively*?
5. Rawls now thinks the account of justice developed in *A Theory of Justice* (Rawls 1971) as inadequately attentive to pluralism and thus "unrealistic" (Rawls 1996, xvii). Rawls (ibid., xlvii) claims that "it is the fact of reasonable pluralism that leads . . . to the idea of a political conception of justice and so to the idea of political liberalism." On Rawls's shift, see Talisse 2001 and Davion and Wolf 2000a.
6. Dworkin 1995; Hampton 1989; Raz 1994; Scheffler 1994; Estlund 1998; Sandel 1998; Friedman 2000; Talisse 2000; Mouffe 2000.
7. The failure of Gray's dichotomy to charitably capture the kind of view Rawls is promoting is even more problematic once it is realized that many of the major voices in contemporary political philosophy—e.g., Richard Rorty (1988), Amy Gutmann (1992), Thomas Nagel (1987), Bruce Ackerman (1989), Joshua Cohen (1993), and Norman Daniels (2000)—have adopted a roughly Rawlsian approach to liberal theory.

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Ronald Beiner

COMMUNITY VERSUS CITIZENSHIP: MACINTYRE'S REVOLT AGAINST THE MODERN STATE

ABSTRACT: *Among the theorists commonly associated with the communitarian critique of liberalism of the 1980s (Charles Taylor, Michael Sandel, Michael Walzer, and Alasdair MacIntyre), MacIntyre is the one who offers the most radical set of challenges to ways of thinking that typify contemporary liberalism. But does MacIntyre's thought add up to a fully worked-out political philosophy? The specifically political implications of MacIntyre's contributions to moral philosophy are surprisingly underdeveloped in MacIntyre's most influential writings, notwithstanding the rhetorical force of his polemics against liberalism. Happily, MacIntyre has more recently published works in which his political vision is more clearly spelled out.*

It is frequently said that the debate between liberalism and communitarianism that was so charged up in the 1980s has now run out of steam—either because those labelled communitarians (usually by others, not by themselves) have failed to sustain interesting critiques of the liberal politics that now prevails, or because communitarian criticisms have been sufficiently incorporated in new, more capacious theories of liberalism. I suppose one should concede a reasonable

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measure of truth to this conventional wisdom. Still, it may be worthwhile to take one last look at the communitarian challenge before closing the book on this interesting chapter in late-twentieth-century political philosophy.

As every political philosopher in the Western world knows, the standard liberal rejoinder to the communitarian challenge—articulated most feistily by Stephen Holmes (1993)—is that communitarians have no interesting positive political vision to offer as an alternative to liberal politics. Either the "communitarian" critics of liberalism are much closer to being liberals than they profess, or they offer not really a political theory but rather a political rhetoric of cultural lament. Can one base a politics on a lament? I propose to consider, by a process of elimination, how various influential communitarians fare in the light of this challenge.

Is There Such a Thing as a Communitarian Political Philosophy?

For purposes of convenience rather than exhaustiveness, I'm going to focus on four thinkers generally associated with the communitarian critique of liberalism: Michael Sandel, Charles Taylor, Michael Walzer, and Alasdair MacIntyre (really, I'm going to focus on only one of these thinkers, but that will become clear soon enough). These four share more or less the following theoretical tendencies. All of them embrace as a crucial task of social theory the need to develop a richer account than is available (either in standard liberalism or in standard leftist analyses) of how individual identity is constituted by membership in families, by membership in churches and other voluntary associations, by local and society-wide solidarities, by bonds of nationhood, and by cultural traditions. All of them seek to highlight the inadequacy of strictly liberal-individualist categories for understanding how we actually experience our moral and civic life, and all try to give more attention to the social resources that build meaningful character. Finally, all of them attempt to be more sensitive to the limits of liberal individualism (notwithstanding its moral advantages relative to preliberal cultures), and they seek to explore possibilities of social experience beyond the horizon of a parochially liberal social universe (what Walzer [2000, 7] has recently called a culture promoting the "entrepreneurship of the self").

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Sandel's *Liberalism and the Limits of Justice* offered a powerful critique of Rawlsian liberalism. Sandel tried to show that the version of liberalism articulated in Rawls's *A Theory of Justice* was based on an incoherent theory of the self (a moral self only contingently related to its ends and its bases of identity). Then, in response to Sandel, Rawls and other liberal political philosophers tried to articulate alternative versions of liberalism less vulnerable to these criticisms.

However, if one asks (as many of Sandel's readers did) how politics would look different under a communitarian regime, *Liberalism and the Limits of Justice* provides little answer. Sandel's later book, *Democracy's Discontent*, goes much further in laying out a positive, "civic republican" counter-image to liberal politics. But Sandel probably does as good a job as any of his critics could have done in showing how the communitarian/civic republican opts for a succession of lost causes and why a "procedural-liberal" vision of politics such as Rawls's enjoys a decisive sociological advantage over Sandel's preferred alternative. As one reviewer of Sandel's second book unkindly but not unjustly wrote:

> Are you a communitarian who is sick and tired of hearing that you see the past through rose-tinted glasses? Is it irksome for you to waste so much time denying claims that communitarians sigh nostalgically for a past that never existed? Then stay away from *Democracy's Discontent*, in which Michael Sandel unwittingly vindicates the charges levelled by communitarianism's critics. (Hulliung 1997, 68.)[1]

Despite Sandel's own attempt to present the book strictly on the plane of competing public philosophies, *Democracy's Discontent* is more than anything a wistful complaint about the modern economic and sociological realities (not just a mistaken public philosophy) that have defeated republican possibilities, leaving at best just flickering republican moments in an overwhelmingly liberal-procedural political universe to remind us of what we've lost. This doesn't by itself invalidate Sandel's political ideal, but it does show that it requires a much more radical break with modern social and economic circumstances than Sandel generally acknowledges.

As David Miller (1999, 171) has observed, if one looks at Taylor's and Walzer's explicit discussions of the liberal-communitarian debate, neither of these supposed communitarians presents himself as a resolute partisan of the cause.[2] In Taylor's case, one need only recognize his

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great debt as a theorist to the pluralism of a classic liberal like Isaiah Berlin—who was at the same time very anxious to accomodate cultural particularism—in order to realize that the main purpose of Taylor's "communitarianism" is to challenge overly onesided or "monistic" versions of liberalism; and a similar observation could clearly be applied to Walzer's theorizing. In a response to Taylor's essay "The Politics of Recognition," Walzer (1994) suggests that what he and Taylor offer is not an alternative *to* liberalism but a more collectivized, more pluralized version *of* liberalism, and it is easy to imagine Taylor consenting to this characterization of his political theory.[3] In the article cited by Miller, Walzer presents contemporary communitarianism as simply a corrective for versions of liberalism that have swung too far to the individualist end of the spectrum.[4]

Liberal Barbarism

So we turn to MacIntyre. No one could fairly complain that MacIntyre's challenges to liberal politics and liberal theory are insufficiently robust. At least on the rhetorical plane, MacIntyre is as stringent a critic of the liberal view of social order as one could hope to encounter. But when it comes to specifying a viable alternative, it is hard to see what new institutions or succeeding political structures MacIntyre means to propose.

After Virtue famously concluded with a stunning call for a retreat to the monasteries:

> What matters at this stage is the construction of local forms of community within which civility and the intellectual and moral life can be sustained through the new dark ages which are already upon us. And if the tradition of the virtues was able to survive the horrors of the last dark ages, we are not entirely without grounds for hope. This time however the barbarians are not waiting beyond the frontiers; they have already been governing us for quite some time. (MacIntyre 1984, 263.)

Whatever MacIntyre's politics turn out to be (and they have come fully to light only in his more recent writings), one thing at least is clear: whatever he has in mind *is* a bracingly radical alternative to liberalism. He says that he learned from Marxism early in his intellectual career "how to identify the moral impoverishment and the ideological function of liberalism" (MacIntyre 1998e, 267), and this is one conviction or

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set of convictions that remains immovable through all the twists and turns and transformations of MacIntyre's intellectual development.

MacIntyre's view in *After Virtue* is clearly that the mode of moral-political association available in liberal society compares very poorly with the kind of rich, ethos-inculcating shared life encountered in the ancient polis. But is MacIntyre willing to go so far as to propose a revivification or reinstatement of the Greek polis (or some modern equivalent)? Such a notion would certainly violate the historicist strain in MacIntyre's moral thinking, as well as the emphatic insistence, throughout his work, on the inseparability of sociology and moral theory. MacIntyre may be of the view that ancient forms of moral and political life furnish a critical standard for judging the deficiencies of contemporary ethical life, but nothing in his work suggests that he welcomes the project of re-creating the polis.

So is there a politics in MacIntyre's canonical work? What's clear in *After Virtue* is that the standard for judging contemporary liberal society is shared goods and virtues, and the practices that embody and engender these shared goods and virtues. (A virtue is a dispositional excellence in realizing some communal good, and a practice is an historically evolved form of life that provides a social site for the enactment of virtues.) And what's also clear is that liberal society appears less than impressive in the light of this standard. What's significantly less clear (at least in this key book) is MacIntyre's picture of a nonliberal way of structuring political life (under contemporary conditions) that would more adequately meet this standard.

Kelvin Knight (1996) has labelled MacIntyre's position "revolutionary Aristotelianism" in order to emphasize the point that MacIntyre's politics, whatever they turn out to be, are hardly conservative; but what Knight treats under the heading of "politics" still doesn't seem very political.[5] Knight seems to oppose free-floating "practices" to the inevitably oppressive "institutions" of the modern world. To say, as he does on MacIntyre's behalf, that we need institutions that are subordinate to practices, rather than practices that are subordinate to institutions, doesn't appear to yield a very determinate conception of politics (Knight 1996, 895–96).[6] MacIntyre (1988d, 265) himself insists: "I do not believe in ideals or forms of community as a nostrum for contemporary social ills. I give my political loyalty to no program."[7] Fair enough; I have full sympathy with the view that theory is an enterprise of ambitious social criticism, and I agree with MacIntyre that one can practice this critical theorizing without being obligated to supply nostrums for society-wide

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reform of existing institutions. Still, one can't offer coherent criticism of existing society without definite standards of judgment, and this requires some vision of desirable political possibilities, even if current circumstances rule out a direct realization of these ideals.

MacIntyre complains that his political philosophy has been widely misunderstood, but the fact is that he does little in his most influential works to clarify how his philosophical views bear on politics. One could read MacIntyre for many years (as I have) and yet still be fundamentally puzzled about where he stands politically. One hopes that the following account (drawing on more recent clarifications of his politics) will dispel the puzzlement.

MacIntyre's Political Philosophy

MacIntyre is not the only one of our four thinkers to disown the communitarian label, but his denials have been more adamant and more fleshed-out than those of the other three. So a good place to start our consideration of MacIntyre's politics may be with a careful examination of his explanations of why he doesn't consider himself a communitarian.

Basically, there are two reasons. The first is that he considers it a "mistake to suppose that there is anything good about local community as such" (MacIntyre 1999a, 142). "Local communities are always open to corruption by narrowness, by complacency, by prejudice against outsiders and by a whole range of other deformities, including those that arise from a cult of local community" (ibid.).[8] This is a perfectly good reason not to enshrine community as such as a normative standard: the standard, rather, is the quality of social practices that various communities enable us to realize. What concerns MacIntyre is the flourishing of humanly worthwhile practices and the virtues and excellences that they bring into play, and he is interested in communities insofar as they provide sites for these practices and virtues (and for no other reason). This is a good reason for rejecting the communitarian label, and other communitarians such as Sandel and Taylor would be in full agreement with MacIntyre on this point.

The second, more distinctive reason is that MacIntyre associates communitarianism with the project of applying the language of common good to the modern nation-state, and he thoroughly and wholeheartedly rejects this project. As he puts it: "The communitarian mistake

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[is] to attempt to infuse the politics of the state with the values and modes of participation in local community" (MacIntyre 1999a, 142).

For anyone who takes the basic structures of modern political life as given, it is not easy to fathom the depth of MacIntyre's hostility to the state as a mode of organizing political activity. His essay, "Poetry as Political Philosophy," probably conveys the tenor of his antistatist rhetoric as well as any of his writings (MacIntyre 1988). The purpose of the essay is to investigate a thesis that MacIntyre attributes to W. B. Yeats, namely "that no coherent political imagination is any longer possible for those condemned to inhabit, and to think and act in terms of the modernity of[,] the twentieth-century nation-state," and there is no question but that MacIntyre affirms the truth of what he takes to be Yeats's insight (ibid., 145). MacIntyre highlights Yeats's image of the modern nation-state "as a tree dead from half-way up" (ibid., 156). Insofar as Yeats himself intends to apply this image specifically to the Irish state of the 1920s and 1930s, he understates the generality of his insight: what Yeats sees and condemns in the Irish state "belong[s] to it not as Irish, but as state. They are features of the modern state as such . . . [expressing] the imaginative poverty not of a particular regime or type of regime, but of the structure of every modern state" (ibid., 157). To overcome the "imaginative sterility of the modern state" and to engage in "a less barren politics," one must seek out other forms of institutionalized community, beyond the boundaries of "the conventional politics of the contemporary state" (ibid.).

It's not obvious where MacIntyre gets his view that what defines communitarianism is a commitment to the nation-state as the primary location for community (and that therefore he's not a communitarian). To be sure, other communitarians don't necessarily rule out the nation-state as a possible location for community, but neither do they privilege the nation-state as the preferred location for community. In truth, Sandel, Taylor, and Walzer tend to be ambivalent about whether they want an enhanced community at the level of the polity as a whole, or whether they want a decentralized politics that would enhance community in more local settings at the expense of the national political arena; they sometimes fudge this question rather than express a clear preference. It seems implausible, however, to insist that a preference for the nation-state is what defines their communitarianism; rather, the most that one can say is that they stand closer to the commonsensical mainstream view that certain important forms of human community *are* realized (or can be realized) at the national level, whereas MacIntyre

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embraces the quite radical view that genuine community, and the goods that a genuine community subserves, are entirely ruled out within the horizon of the modern state.

MacIntyre's attitude to the state can be summed up in the simple injunction: "Have no truck with the Devil!" In place of state-related politics, he substitutes what he calls "the politics of local community" (MacIntyre 1998c, 246–50). MacIntyre (1999a, 143) is very clear about the sorts of communities that qualify as communities of common good: "fishing communities in New England over the past hundred and fifty years . . . Welsh mining communities [instantiating] a way of life informed by the ethics of work at the coal face, by a passion for the goods of choral singing and of rugby football and by the virtues of trade union struggle against first coal-owners and then the state . . . farming cooperatives in Donegal, Mayan towns in Guatemala and Mexico, some city-states from a more distant past." Communities of this sort qualify as possible sites for common good. It is equally clear, for MacIntyre, that the politics of the national state don't come anywhere near qualifying as a possible site of common good. Why not?

> Modern nation-states are governed through a series of compromises between a range of more or less conflicting economic and social interests. What weight is given to different interests varies with the political and economic bargaining power of each and with its ability to ensure that the voices of its protagonists are heard at the relevant bargaining tables. What determines both bargaining power and such ability is in key part money, money used to provide the resources to sustain political power: electoral resources, media resources, relationships to corporations. This use of money procures very different degrees and kinds of political influence for different interests. And the outcome is that although most citizens share, although to greatly varying extents, in such public goods as those of a minimally secure order, the distribution of goods by government in no way reflects a common mind arrived at through widespread shared deliberation governed by norms of rational enquiry. Indeed the size of modern states would itself preclude this. It does not follow that relationships to the nation-state, or rather to the various agencies of government that collectively compose it, are unimportant to those who practice the politics of the virtues of acknowledged dependence. No one can avoid having some significant interest in her or his relationships to the nation-state just because of its massive resources, its coercive legal powers, and the threats that its blundering and distorted benevolence presents. But any rational relationship of the governed to the government of modern states requires individuals and

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> groups to weigh any benefits to be derived from it against the costs of entanglement with it. (MacIntyre 1999a, 131–32.)[9]

Our formulation above should probably be qualified somewhat, as follows: "To the extent that you must have truck with the Devil, in order to avail yourself of the necessary benefits that it confers, you should not fool yourself into thinking that receiving these benefits joins you in a relationship to the Devil expressive of a common good."

Central to this conception is an understanding of rational deliberation. Members of a community can join in a politics of common good *only* when it is possible for them "to come through rational deliberation to a common mind" (MacIntyre 1999a, 129). Clearly, political association on the modern scale cannot imaginably meet this standard. According to

> the conception of political activity embodied in the modern state, . . . there is a small minority of the population who are to make politics their active occupation and preoccupation, professional and semiprofessional politicians, and a huge largely passive majority who are to be mobilized only at periodic intervals, for elections or national crises. Between the political elites on the one hand and the larger population on the other there are important differences, as in, for example, how much or how little information is required and provided for each. A modern electorate can only function as it does, so long as it has only a highly simplified and impoverished account of the issues that are presented to it. And the modes of presentation through which elites address electorates are designed to conceal as much as to reveal. These are not accidental features of the politics of modern states any more than is the part that money plays in affording influence upon the decision-making process. (Ibid., 141–42.)

Given the theoretical standards by which MacIntyre defines a genuine deliberative community, it would be ludicrous to characterize this general system as a process of shared rational deliberation. Without moral-political deliberation there is no possibility of arriving at "a common mind," and without a common mind shaped by shared rational deliberation, there is no common good. The conclusion, following inescapably from MacIntyre's premises, is that politics as we know it in the modern world cannot be characterized as anything other than "fragmentation through the conflicts of group interests and individual preferences, defined without reference to a common good" (MacIntyre 1998e, 269).

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Two responses seem called for. The first is to recognize the theoretical force and philosophical stringency of the notion of a common good that MacIntyre here applies. Only very special kinds of communities and very particular types of social situation permit one to speak of a common good ("a common mind arrived at through widespread shared deliberation governed by norms of rational enquiry"),[10] and one can pretty much define modernity as that constellation of social life that rules out, or at least drives to the margins, precisely those kinds of community and types of social situation that warrant the language of a common good. The second response is to note just how harsh a picture this account gives us of the politics of the modern state. It more or less has the effect of disqualifying *any* concept of political community within the boundaries of modern social life.

It's true that the goods provided by the modern state are not products of communal deliberation in any rigorous sense, but they are still goods, and expressive surely of *some* mode of political community, however attenuated (and capable, in principle, of building up more of a sense of political community in proportion to its goods being perceived as real ones). In Canada, for instance, there is more or less a national consensus, shared in even by political parties on the right end of the political spectrum, that a nationally funded public-health system is a shared civic good. The state, in providing this good, is seen as the agent of the national consensus. This doesn't mean that there aren't controversies about the adequacy and efficiency of the Medicare system; but it does seem to suggest that the state can provide civic goods, and that there is, in this respect, a civic community on behalf of which such goods are provided.

There is no question that MacIntyre's political commitments remain those of a radical egalitarian, and that his revulsion against capitalism has not diminished at all from what it was at the start of his intellectual career.[11] (As John Haldane [2001, 228] has remarked: "In certain respects MacIntyre's position is like that of old-style Christian socialists: at once critical of society for its failure to attend to the needs of the weak, the dispossessed, the overlooked and the socially marginalized, yet also firm in defense of traditional morality.") This makes his root-and-branch rejection of state-based politics all the more startling, since so much of twentieth-century left-wing politics has revolved around hopes to make the state the agent of egalitarian transformations of the political community as a whole. In a discussion in 1997, I asked MacIntyre how he squares his residual Marxism with his antipathy to the state, since, in our

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situation—in the political world in which we live—the state offers the only restraint upon the capitalist market, both in its provision of regulatory mechanisms and in its capacity as an agent of distributive justice.

Here is the gist of his interesting reply.[12] MacIntyre said that what we've had since 1945 is the state-cum-market. The welfare state was invented by Bismarck, as well as Disraeli, Lloyd George, and Balfour—that is, not by social democrats, but by conservatives trying to preserve an orderly capitalist society. Operation of the resulting state/market produces a certain amount of disorder, which in turn needs to be corrected by welfare-state policies. Welfare is therefore bound to a cycle: the state promotes growth, it regulates the market with welfare, then it needs to cut back. It issues promissory notes that have to be paid for (in the context of U.S. politics) by Republican policies. Democrats and Republicans occupy different positions within this cycle, yet they are bound to the same process.

MacIntyre rejects the whole package, namely a growth economy managed by the state, with occasional corrections with welfare and so on. Consequently, the welfare state is not an alternative to the state/market; it is, on the contrary, part and parcel of the kind of state entirely implicated in the operation of market capitalism. Most political contests in the contemporary West revolve around competing views of what constitutes the right balance between state and market (the power of the market versus the authority of the state). For MacIntyre, by contrast, market and state are two sides of the same coin, and rather than choosing between them, or deciding how to give greater weight to one or the other, we should toss away the whole coin. MacIntyre doesn't go so far as to assert that there are *no* goods associated with state-based politics; what he does assert is that the basic structures of the modern state, and the form of political community it makes available, are *essentially* and not just incidentally inimical to a common good-based politics (and it is precisely this insight into our prevailing political reality that, on his view, "communitarians" have failed to grasp).

MacIntyre's Neutralism

These views lead MacIntyre into an extremely paradoxical relationship to the debates about liberalism that put communitarianism on the political-philosophical map in the 1980s. He writes:

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> Contemporary communitarians, from whom I have strongly disassociated myself whenever I have had the occasion to do so, advance their proposals as a contribution to the politics of the nation-state. Where liberals have characteristically insisted that government within a nation-state should remain neutral between rival conceptions of the human good, contemporary communitarians have urged that such government should give expression to some shared vision of the human good, a vision defining some type of community. Where liberals have characteristically urged that it is in the activities of subordinate voluntary associations, such as those constituted by religious groups, that shared visions of the good should be articulated, communitarians have insisted that the nation itself through the institutions of the nation-state ought to be constituted to some significant degree as a community. In the United States this has become a debate within the Democratic Party, a debate in which from my own point of view communitarians have attacked liberals on one issue on which liberals have been consistently in the right. (MacIntyre 1994, 302)[13]

Come again? Communitarians have attacked liberals on the one issue on which liberals have been consistently in the right? Government should remain neutral between rival conceptions of the human good? Although MacIntyre presents himself as a root-and-branch critic of liberalism in all its dimensions (moral, economic, cultural, political), he now tells us that on the very issue that decisively defines the debate between liberals and communitarians, he sides with liberal political philosophers. (Here one can easily imagine Stephen Holmes crowing in the background: "Press an anti-liberal to pass judgment at the level of political institutions, and he or she will immediately retreat to being a good liberal!")

Although the passage quoted above appears to suggest otherwise, in actual fact MacIntyre, like a good communitarian, does *not* concede the liberal's thesis of government neutrality in relation to rival conceptions of the good. For instance, he writes: "Questions about the value of ways of life . . . are [officially] excluded from the arenas of political debate and decision-making, even though answers to them are delivered by default, since among the effects of modern governmental decisions is their impact upon different ways of life, an impact that promotes some—the way of life of the fashionably hedonistic consumer, for example—and undermines others" (MacIntyre 1998c, 238). The clearest statement of MacIntyre's position is in "Toleration and the Goods of Conflict," where he denounces the doctrine of the neutrality of the lib-

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eral state as a fiction and a sham; still, he clearly thinks it would be very desirable if the state could approximate more closely to its pretended neutrality than it actually does. He writes:

> The state must not be allowed to impose any one particular conception of the human good or identify some one such conception with its own interests and causes. . . . [Although] the contemporary state is not and cannot be evaluatively neutral . . . it is just because of the ways in which the state is not evaluatively neutral that it cannot generally be trusted to promote any worthwhile set of values. (MacIntyre 1999b, 143.)

He also contends that "interventions by the state [in the debates between protagonists of rival conceptions of the human good] are bound to be pernicious" (ibid., 150). These passages make clear that MacIntyre's view is that while the liberal state is not in fact neutral, it would be better if the state could be more neutral than it actually is. One could interpret this important aspect of the liberal-communitarian debate as follows: liberals want the state to be neutral between rival conceptions of the human good, whereas communitarians prefer that the political community openly acknowledge that it embodies certain conceptions of the good, since nonneutrality is inescapable. Put like this, MacIntyre is clearly on the liberal side of the debate.

Let us return to MacIntyre's rather surprising account, in a 1994 response to critics, of how he positions himself within the liberal-communitarian debate. There, he distinguishes himself from liberals in the following way:

> Liberals . . . mistakenly suppose that [totalitarian and other] evils arise from any form of political community which embodies substantive practical agreement upon some strong conception of the human good. I by contrast take them to arise from the specific character of the modern nation-state, thus agreeing with liberals in this, at least, that modern nation-states which masquerade as embodiments of community are always to be resisted. The modern nation-state, in whatever guise, is a dangerous and unmanageable institution, presenting itself on the one hand as a bureaucratic supplier of goods and services, which is always about to, but never actually does, give its clients value for money, and on the other as a repository of sacred values, which from time to time invites one to lay down one's life on its behalf. As I have remarked elsewhere ["Poetry as Political Philosophy"], it is like being asked to die for the telephone company. (MacIntyre 1994, 303)

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MacIntyre sees nothing but barrenness and sterility in a politics associated with "the modern state as such": services from a giant utility company (MacIntyre 1999a, 132),[15] but one that makes the utterly inappropriate demand that its citizens be willing to die for it[16]—that is, a form of society in which the idiom of a common good is either incoherent or meaningless. In addition, it seems that MacIntyre believes that conceiving of the nation-state as acting on behalf of an integral community entails conjuring up an imaginary *Volk*, which is a recipe for the most dangerous kind of politics.[17] This is certainly a legitimate anxiety, especially when one considers the vociferousness of modern nationalism. But it is surely possible for the state to present itself as acting on behalf of some kind of civic community without appealing to the idea of a *Volk*.

Citizenship and the State

Should the moral claims that the state makes upon its citizens have no greater weight than if they were obligations issued by giant utility companies? (And to the extent that citizens rightly allow themselves to be enlisted by the state in resisting evils such as Nazism and Stalinism, are these to be characterized as nothing more than "*ad hoc* participation in some particular enterprises of some nation-state" [MacIntyre 1994, 303]?) If what MacIntyre means to suggest is that the state is no less complicit than any other large-scale institution with the bureaucratism and instrumental rationality typical of late modernity, he is surely correct. But it doesn't follow from this that the state is on the same moral plane as any other bureaucracy. Indeed, unless one has a view of the state as cynical as MacIntyre's view seems to be, it seems obvious that the state is a more directly moral association than the telephone company. When members of the Canadian Armed Forces consent to risk their lives serving in Kosovo at the behest of the Canadian state, they don't do so because they are deluded into falsely thinking that the state is qualitatively different from other bureaucratic organizations; they do so because they rightly perceive that the Canadian state represents an association of citizens defined by certain shared purposes. The citizen-state relationship (or the relationship between citizens mediated by the state) involves a mode of moral association or moral community; the democratic state doesn't just impose its own ends, but in some measure reflects those of its citizens (which of course may be worthy ends or

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unworthy ends). Politics is the process by which we try to influence the set of purposes that the state will pursue and promote on behalf of all citizens.

Knight's spirited defense of MacIntyre's views includes the following explanation for why MacIntyre sides with *neither* liberal *nor* communitarian accounts of political community:

> On the one hand, the state is justified as the guarantor of individuals' rights to pursue their own self-chosen goals. On the other hand, it is justified as the expression of a form of social life for which its subjects may, whenever necessary, be required to risk their lives. There cannot be a rational legitimation of the state that satisfies both of these criteria. As both criteria represent necessary aspects of the state, there cannot be any coherent solution to the modern problem of political obligation. (Knight 1996, 892)

But there is a ready answer to this supposed contradiction: put less emphasis on the political community as the guarantor of individuals' self-chosen goals, and more emphasis upon it as the site of their shared purposes, whether desirable or undesirable. Practices at the level of the political community as a whole then become subject to the same standard of judgment as moral practices within MacIntyre's philosophy of the virtues: the question to be answered is whether the goods that the practices instantiate are genuine human goods. If a state mobilizes energies on behalf of its citizens to fight just wars, to combat poverty, suffering, and oppression, and to promote high standards of civic culture, and if it makes some progress in realizing these ends, then the state makes legitimate claims on its members (up to and including civic duties involving risk of one's life). If, on the other hand, the state wastes human life fighting stupid and pointless wars, reinforces the worst aspects of existing social relationships, and is mainly preoccupied with augmenting its own power, then the claims it makes upon its citizens possess correspondingly less validity. The contradiction dissolves. (MacIntyre seems to exempt himself from the task of assessing the quality of different civic purposes by assuming that we can expect the worst: since modern political community involves relationships between citizens and a state, and since the state *as such* is ineligible to be a virtue-based community of moral agents, the project of envisioning modern government as a location for goods-engendering moral practices is a hopeless one.)

None of the above criticisms are intended to deny that there is a

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great deal of truth in MacIntyre's characterization of the existing reality of modern liberal states. He has a strong case when he says that these governments "are oligarchies disguised as liberal democracies" (MacIntyre 1998c, 237) and that they are therefore very far removed from a politics of the common good. But this doesn't seem sufficient reason to reject communitarian aspirations towards a more ambitious vision of civic community, offering more robust civic goods than liberal society presently offers. Is it impossible to imagine ways of reconstituting the state so as to incorporate greater opportunities for democratic deliberation among its citizens, or to render citizenship more meaningful? According to MacIntyre (1988, 157), the problem is not just the moral barrenness or sterility of particular political orders within modernity; the problem is the disabling features of "the modern state as such." Here one needs to weigh very seriously the force of MacIntyre's *as such*.

One can say this much for MacIntyre's statement of his position vis-à-vis the liberal-communitarian debate: unlike other communitarians, MacIntyre at least leaves no room for any ambiguity about where he means to situate possibilities of community.[21] Families, neighborhoods, workplaces, local parishes, fishing villages, farming communities, schools, and clinics are generators of virtues and a common good; national political communities are not. The problem here, of course, is that MacIntyre is left with no possible site for overarching *political* community compatible with the basic conditions of modernity—he offers Aristotelianism without a polis.[22] So it looks like it's back to the monasteries, which will shelter us from the barbarisms of the modern world.

* * *

When MacIntyre insists that he is not a communitarian, this is really just an idiosyncratic way of saying that he believes that the modern state is (along with the other dominant structures of modern life) too compromised a form of human association to be capable of being the bearer of legitimate shared purposes. Turning this around, one can say that communitarianism will generate a distinct political philosophy when it can offer a more compelling doctrine of citizenship than standard versions of liberalism provide, and when it can offer a better account of the kinds of desirable civic goods that would define such a doctrine of citizenship.[24] To the extent that liberal theorists join communitarians in pursuing this desideratum, the division between liberals and communitarians will indeed lose salience.

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NOTES

1. Cf. Waldron 1998.
2. See Taylor 1989 and Walzer 1990.
3. Walzer's argument is that one needs to distinguish between two forms of liberalism: one that places normative weight exclusively on equal individual rights, and one that is prepared to qualify such rights somewhat for the sake of cultural survival. According to Walzer, he and Taylor waver between these two liberalisms, depending upon the circumstances of different societies.
4. Walzer 1990, 6: Communitarianism "is a consistently intermittent feature of liberal politics and social organization. No liberal success will make it permanently unattractive. At the same time, no communitarian critique, however penetrating, will ever be anything more than an inconstant feature of liberalism." Walzer's presentation of communitarianism as merely a remedial version of liberalism is no doubt MacIntyre's view as well (which is why he prefers not to be associated with communitarianism!). Cf. MacIntyre 1998c, 244: "There are certainly some versions of liberal theory and some formulations of communitarian positions which are such that the two are not only not in opposition to each other, but neatly complement one another. Communitarianism from this latter point of view is a diagnosis of certain weaknesses in liberalism, not a rejection of it."
5. In MacIntyre 1998c, 235, MacIntyre endorses Knight's account of his political thought.
6. Cf. MacIntyre 1998a, 11 (Editor's Introduction).
7. Cf. MacIntyre 1995a, 35: "Not only have I never offered remedies for the condition of liberal modernity, it has been part of my case that there are no remedies."
8. MacIntyre 1994, 302: "From an Aristotelian standpoint small communities as such have no particular merit."
9. For another important articulation of MacIntyre's indictment of the modern state, see MacIntyre 1999b, 139–40.
10. Cf. MacIntyre 1998c, 239: "The idiom of the common good" requires the notion of "a rationally well-founded common mind."
11. See MacIntyre 1995b. For MacIntyre, as for Christopher Lasch, the only possibility for meaningful resistance to a capitalist social order rests with supposedly outmoded forms of production (see the discussion of independent small producers in MacIntyre 1998b, 231–32; cf. ibid., 249–50). The institutions of the contemporary state, in his view, never fail to co-opt revolutionary energies, and in that sense the state is a natural ally of capitalism. Compare MacIntyre's appeal to eighteenth-century handloom weavers in MacIntyre 1998b with Lasch's argument in *The True and Only Heaven* (1991).
12. The discussion occurred during the Fourth Annual Ohio University Philosophy Forum (Athens, Ohio), devoted to MacIntyre's work, which took place on May 8th–10th, 1997. For further discussion of MacIntyre's understanding of state/market complicity, see MacIntyre 1999b, 139–42.

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13. As regards MacIntyre's claim that he has strongly disassociated himself from communitarianism whenever he has had the opportunity to do so, see MacIntyre 1991 and MacIntyre 1995a.
14. In a discussion with MacIntyre on May 9th, 1997, I asked him the following questions, and received the following answers:

> R.B.: If you hold that the state can't be the locus for conceptions of the good, why isn't this view the same as liberalism? (Not just that you agree with liberalism on some *marginal* issue, but that you appear to agree with it on the issue that *defines* liberalism.)
> A.M.: Liberalism is a doctrine about the legitimate use of state power. So it's concerned with the state.
> R.B.: So you are a more radical antistatist than liberals are?
> A.M.: Yes.
> R.B.: So you think this whole business about communitarianism is a giant plague?
> A.M.: Yes.

I omitted to ask MacIntyre the question that this exchange should naturally have prompted: If one views the state as a terrible demon, why *wouldn't* one want to make available a doctrine such as liberalism concerning the limitation of state power?

15. Cf. MacIntyre 1998c, 236 and MacIntyre 1998b, 227.
16. This means not only as soldiers but also as police officers and firefighters: MacIntyre 1998c, 242.
17. MacIntyre 1994, 302–3; MacIntyre 1998c, 241; MacIntyre 1999a, 132–33.
18. Cf. MacIntyre 1998c, 243: "Modern states cannot advance any justifiable claim to the allegiance of their members, and this because they are the political expression of societies of deformed and fragmented practical rationality."
19. This doesn't mean that there are *no* just political obligations for MacIntyre. After all, if we receive services from the telephone company, there is a corresponding obligation to pay our bills. But it might be reasonable to associate a deeper sort of obligation with citizenship as a moral bond (which is precisely what MacIntyre is impugning).
20. Cf. MacIntyre 1988, 149, and MacIntyre 1998b, 226–27. Many readers of MacIntyre's essay "Is Patriotism a Virtue?" (MacIntyre 1995c) have taken it to be a *defense* of patriotism. Given the reading of MacIntyre's political thought offered in this article, that can't possibly be a correct interpretation. Rather, the purpose of MacIntyre's essay is to highlight the *contradiction* (embodied in modern political communities) between liberal universalism and national particularism. The purpose, then, is not to vindicate a patriotic morality but to expose the incoherence of modern conceptions of political community (which try to do the impossible, namely to synthesize liberal and patriotic moralities). Cf. MacIntyre 1998a, 285 (Guide to Further Reading).
21. MacIntyre 1994, 303: "The liberal critique of those nation-states which pretend to embody the values of community has little to say to those Aris-

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totelians, such as myself, for whom the nation-state is not and cannot be the locus of community." MacIntyre 1998c, 248: "Local arenas are now the only places where political community can be constructed, a political community very much at odds with the politics of the nation-state." For Sandel's clearest statement of how he views the advantages and disadvantages of local community in relation to national community, see Sandel 1998a, 330 (response to Nancy Rosenblum).

22. The unavoidable question is: What's political about MacIntyre's "politics of local community"? In MacIntyre 1998c, 241, he writes that a community is "political" insofar as "it is constituted by a type of practice through which other types of practice are ordered." He calls this a polis. But the Greek polis embodied concepts of law, authority, and citizenship—notions seemingly absent from the local communities that MacIntyre is calling political. (One suspects—and the discussions at the Ohio University Philosophy Forum lent weight to this suspicion—that the politics of MacIntyre's "politics of local community" have a tacitly clerical dimension: the kind of "political" officeholder that he has in mind tends to be the parish priest of a farming community.)

    Of course it may indeed be true that in denying that the modern state describes a genuine political community, MacIntyre is proving himself to be a strict Aristotelian. Aristotle himself, if he were presented with the political institutions of the modern world, might well conclude that there is nothing remotely close to a polis to be found in that world. (Cf. MacIntyre 1994, 302: "The differences between political community conceived in Aristotelian terms and any modern nation-state is just too great.") But then I don't think that Aristotle would claim that there is a "politics of local community."

23. Here, the project of trying to draw a political philosophy from MacIntyre's philosophy seems to me to reach a final impasse. At this stage of the inquiry, I'm inclined to say that of our four theorists, Sandel is the only one to offer a truly counter-liberal *political* philosophy. However, this is still not a *communitarian* political philosophy, for the standard of judgment appealed to in *Democracy's Discontent* is not community as such (whatever one might imagine "community as such" to mean), but republican self-government. See Sandel 1998b, ix–xi.

    When one rereads MacIntyre's "new dark ages" passage in the light of the later writings surveyed in this essay, one can see that his political philosophy is already packed into that passage (but needs to be "unpacked"): "The construction of local forms of community" is set against the barbarians who are already governing us—i.e., the functionaries and politicians of the contemporary state and the managers of the capitalist economy.

24. Cf. Miller's suggestion that an essential component of "left communitarianism" is the commitment to "a doctrine of strong citizenship" (Miller 1999, 178).

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Adrian Bardon

FROM NOZICK TO WELFARE RIGHTS: SELF-OWNERSHIP, PROPERTY, AND MORAL DESERT

ABSTRACT: *The Kantian moral foundations of Nozickian libertarianism suggest that the claim that self-ownership grounds only negative rights to property should be rejected. The moral foundations of Nozick's libertarianism better support basing property rights on moral desert. It is neither incoherent nor implausible to say that need can be a basis for desert. By implication, the libertarian contention that persons ought to be respected as persons living self-shaping lives is inconsistent with the libertarian refusal to accept that claims of need can sometimes outweigh claims to property.*

Nozickian libertarians maintain the view that persons can hold absolute rights to property, even though the assertion of such rights may place others in a position such that their basic subsistence needs are not met. In this paper I examine the moral foundations of Nozickian libertarianism. I argue that the libertarian claim that persons ought to be respected as persons living self-shaping lives entails that claims of need can sometimes outweigh claims to property.

In the first part of the paper, I outline some arguments that undermine the standard libertarian claim that self-ownership is the moral ground for absolute negative rights to property. I also examine arguments showing that moral desert based on labor is a more secure foun-

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dation for property rights. In the second section, I argue that the moral foundations of Nozick's theory of side-constraints better support a theory of property based on desert. I also suggest that some of Nozick's own criticisms of Rawls tend to support this claim. In the third section, I argue that need can coherently and plausibly be claimed to be a basis for moral desert. I conclude that the libertarian who is committed to attaching ultimate value to liberty and the pursuit of a meaningful life should acknowledge claims of need and a prima facie right to welfare.

Self-Ownership and Property Ownership

The most important philosophical defense of libertarianism remains that of Robert Nozick (1974). He claims that only negative rights preserve the basic liberty each person is due. He cites a Kantian foundation for his claim that persons enjoy such rights. Our obligation to respect others' rights reflects our obligation to treat others in a certain way. He mentions rationality, autonomy, and moral agency as candidates for characteristics that might ground rights, but he concludes that rights are based on a more complex characteristic humans possess: the ability to form a conception of the life one wishes to lead, and to make choices in pursuit of that conception (Nozick 1974, 48).[1] This he considers a uniquely valuable trait because it allows the pursuit of a meaningful life. He believes that the possession of certain unrestricted rights to noninterference follows from the fact that one possesses the characteristics necessary for that pursuit.

For Nozick, one's basic rights are rights over oneself, or rights of "self-ownership."[2] Since we own our powers, we own whatever comes from their exercise. Since we do not create the land or the raw materials from which we can derive the things we want, our rights can be extended to such things only by appropriating the needed resources legitimately. However, there is an important restriction on our ability to appropriate resources legitimately. Nozick's understanding of this restriction is a development of Locke's "proviso" on appropriation.

Locke famously presents self-ownership and labor-mixing as supporting a right to property. He adds a proviso on the acquisition of private property, however: appropriation is permissible if, afterwards, there is "enough, and as good left in common for others" (Locke 1988, 288). Significantly, this is stated as a sufficient rather than a necessary condition on appropriation.[3] As Nozick himself and many other commenta-

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tors have observed, the Lockean proviso as stated is a condition that cannot be met. Nozick's "zipper argument" shows that, given limited resources or the potential for limited resources in the future, one can never leave enough and as good for others (Nozick 1974, 176).[4] Take some present or future person Z who has not been left enough and as good. This means the last person to appropriate, Y, cannot legitimately do so. So not enough has been left for Y. This means that the last person to appropriate before Y (that is, X) cannot do so either. We "zip" back to any act of appropriation whatsoever, suggesting that the proviso cannot be met.[5]

There are, however, at least two respects in which the appropriation of property can benefit others (Wolf 1995, 799-801). First, a system of private enterprise often uses resources more efficiently than holding resources in common would allow. Also, privately appropriating resources can encourage their conservation, which would be unlikely were the resources to continue to be held in common. For similar reasons, Nozick (1974, 175) suggests that the intent of the Lockean proviso is satisfied by a condition stating that appropriation is permissible if the situation of others is not thereby "worsened." He thinks that, although appropriation will inevitably affect others by reducing opportunities to appropriate (at least in a trivial sense and often in a nontrivial one), the counterbalancing benefits of privatization can ensure that the overall condition of others is not worsened by it.

But this concern not to worsen others' condition, as well as Nozick's foundational respect for persons, suggests that claims to property may be based on need—that a Nozickian distribution may or must take into account all or some of the basic needs of all or some of the persons involved. Nozick claims to value all persons' quest for a meaningful life. Wouldn't this imply an obligation to help those who, because of deprivation beyond their control, are in no position to pursue such a life?

Nozick's account limits justifications for property rights to just acts of appropriation, transfer, and rectification (Nozick 1974, 151). He would characterize a theory of justice that distributes property by need as a "patterned" theory of justice since it aims at a certain pattern of distribution. He rejects patterned theories because they are incompatible with his conception of rights as negative—rights that bar interference with self-determination and with our ability to live the most meaningful lives we can, in accordance with the choices we make. This view of rights is based on respect for individual choice. Nozick rejects the liberal emphasis on taking circumstances—i.e., undeserved natural

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and social inequalities—into account, because doing so would require countermanding individual choices.

While Nozick agrees that there should be restrictions on appropriation based on some version of the Lockean proviso, he would not agree that an acceptable version of the proviso would make reference to claims based on need. Such claims would justify certain rights-violating restrictions on the present use of property so as to protect the ability of future owners or users of that property to exact from it what they need. Claims based on need also would entail positive obligations on the part of others to assist those currently in need. Nozick and other libertarians reject the possibility of positive rights to welfare as incompatible with negative rights to non-interference derived from our basic right to live a self-shaping life.[6] Redistribution to pay for welfare would require using some people's work as "forced labor" for the sake of achieving a certain pattern of distribution.

There are, however, at least three major objections to Nozick's theory of justice in acquisition as he expresses it. These we might call the "historical," "self-ownership," and "surplus value" objections.

The historical aspect of Nozick's account of property rights and distributive justice has been subjected to considerable criticism. Gerald Gaus and Loren Lomasky ask (agreeing with Jeremy Waldron)[7] why "the propriety of contemporary practices should be deemed to hinge on their dark, distant prehistory" (Gaus and Lomasky 1990, 496). According to Nozick, a pattern of holdings is just if it is the result of just acquisitions—in which one transforms one's self-ownership into property—and of just transfers. The series of transfers establishing the justice of a distribution can go back indefinitely. But it seems strange to suggest that appropriations and exchanges lost in the mists of time, involving persons whose relationships to current persons cannot be stated, should determine the legitimacy of a present distribution.

Another objection concerns self-ownership. Nozick and Locke agree that ownership of property is derived from self-ownership. For Locke, self-ownership is most clearly connected with ownership of one's body. Lawrence Becker shows why the derivation of ownership of external resources through labor from the ownership of one's body is not unproblematic. He notes, for example, that human beings produce other human beings with their bodies, but do not own what they thereby produce (Becker 1977, 37). The claim that one owns one's body and the claim that one owns the fruits of one's labor appear incompatible in this case. The problem is solved, as he notes, if we suppose that ownership of

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one's person is derived from rights to life and liberty. But in that case, the right to liberty should take precedence over the right to property when they conflict, so there ought to be severe restrictions on rights to property when the lives or the liberty of others is at stake (ibid., 39).

This raises considerable problems for any theory of distributive justice that allows for unrestricted property rights, such as Nozick's. He claims that the only limit on appropriation is the *material* worsening of others' conditions;[8] but this is hard to defend if a right to liberty is seen as having priority over rights to property. Unrestricted ownership of land, for example, in a world of limited resources infringes greatly on the de facto liberty of the propertyless, even if (by some measure) their material condition is not worsened.[9] As Will Kymlicka puts it, recognition of "formal self-ownership"—recognition of absolute rights of self-ownership, including the formal capacity to acquire rights to property—does not necessarily lead to "substantive self-ownership," or the de facto ability to pursue a meaningful life.[10] Misfortune in one's allotted natural or social assets—or just arriving late on the scene—can mean that one possesses no property of one's own and a life of dependency on the propertied. One's search for the most meaningful life would be seriously and negatively affected. It is hard to understand why respect for persons' search for the most meaningful life would favor formal self-ownership over substantive self-ownership.

Finally, the "surplus value" objection notes that the value of one's holdings is determined to a great extent by factors unrelated to the choices and transfers one makes.[11] For example, suppose Wilt Chamberlain buys a house for $5000, and a subsequent increase in local property values causes its value to increase to $250,000. What part of the value of the house belongs to him? Whether or not Chamberlain can legitimately own the proceeds from selling his house at its full market value depends in part on whether he can be said to legitimately own the house at its full market value; and it begs the question to answer just by pointing to the fact that he bought the house at an earlier time.

Consider likewise the fact that Chamberlain, who (in Nozick's famous example) makes money by charging others to see him play basketball, is not responsible for the value of his talents. The value of those talents is determined by the work he put into them, but also by the demand for them and their scarcity. To what extent can Chamberlain, then, be said to own the full market value of his talents, even accepting that property ownership derives from self-ownership? If he cannot be

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said to own the full value of his talents, then it is not obvious that he can legitimately use that full value for his own gain alone.

Nozick would like a very simple theory of entitlement to property according to which one can take out of nature anything so long as, in so doing, one does not negatively affect another's material well-being. He shies away from giving a precise account of how self-ownership is transferred to things in acquisition; for him, so long as the condition of others is not materially worsened, one gains ownership, as it were, just by *choosing* to do so (by choosing to acquire or transfer). The surplus-value objection challenges Nozick to provide an account of legitimate acquisition that relies on more than just the anti-worsening proviso and the notion of a legitimate transfer. Even with these, there is still a question as to when one owns a piece of property at its market value.

One idea that might bolster the case for strong negative property rights would be the suggestion that (contra Nozick) labor itself, not self-ownership, functions as a basis for claims to property—that is, that one can own property because one has a moral claim to the fruits of one's labor. Labor as a justification for the assertion of property rights is cited by both Locke and Mill. Locke (1988, 306) clearly identifies the labor involved in the appropriation or development of the property as the basis for rights in the holding thereof: collected acorns are a person's property because "*labour* put a distinction between them and common. That added something to them more than Nature, the common Mother of all, had done; and so they became his private right." Thus Alan Ryan (1984, 53)[12] describes property for Locke as "the wages of labor." Mill (1976, 209) contends that "private property, in every defence of it, is supposed to mean the guarantee to individuals of the fruits of their own labor and abstinence."[13]

As we have seen, Nozick cites ownership of one's powers as the basis for ownership of what one produces with them and of those things one has legitimately appropriated. But he notes that it is not immediately clear how this works. He wonders why mixing one's labor with something transfers self-ownership to it: "Why isn't mixing what I own with what I don't a way of losing what I own rather than a way of gaining what I don't?" (Nozick 1974, 174).

One possible answer is that labor is a basis for *moral desert*, and that one's right to property, at least in part, is based on one's deserving it.[14] Joel Feinberg's well-known analysis of desert holds that desert requires a "basis": "if a person is deserving of some sort of treatment, he must, necessarily, be so *in virtue* of some possessed characteristic or prior ac-

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tivity" (Feinberg 1970, 58).[15] So there can be no desert without a basis for desert, which, furthermore, "must, in general, be some fact about the deserving person" (Becker 1977, 50). Deserving something is generally distinguished from having an entitlement or claim-right to it, as in Nozick's view.[16] According to Feinberg (1970, 56–58), "to say that someone deserves something is to say that there is a certain sort of propriety in his having it"; the propriety is achieved when one satisfies conditions of worthiness "not specified in any regulatory or procedural rules." Deserving something is not, in his view, *the same thing* as having a right to it, but someone's deserving something *is* a reason (though not necessarily a sufficient one) to give it to him or her—it is the basis for a prima facie right, in other words (ibid., 60). Gaus and Lomasky (1990, 497–98) hold that the intuitive genesis of the labor-mixing criterion for appropriation must be that "producers deserve to own the fruits of their labor." The continuing appeal of original-acquisition arguments such as Nozick's, according to them, is explained by the fact that they "fix a spotlight" on this intuition through their function as "thought experiments that induce us to view justificatory issues *as if* they occurred in certain idealized historical settings."

Desert is a notion fundamental to morality, since it makes sense to confer praise and blame only on those who "are worthy of" or deserve it.[17] Original-appropriation arguments appeal to a fundamental intuition that productive effort is often meritorious. On the premise that productive effort is meritorious, one can claim that persons (under certain conditions) deserve to own and enjoy the fruits of their labor—regardless of whether they "own" themselves. It is, indeed, at least plausible to suggest that this corresponds to a fundamental intuition. The justification of original appropriation by reference to labor, furthermore, is in accordance with the spirit of Nozick's maxim: "From each as they choose, to each as they are chosen" (Nozick 1974, 160). Acquisition springs from the choice to put labor into appropriation and development; the productive effort one chooses to put forth creates rights in the things produced or developed. This is consistent with the libertarian preference for choice over circumstance.

The notion that ownership is based (in part) on moral desert would avoid the historical objection to Nozick's theory of justice in acquisition (when combined with a notion of legitimate transfer). It would also answer the self-ownership objection, since differing degrees of desert could justify some having more than they need while others do

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not have enough. Finally, it might answer the challenge of the surplus-value objection by giving basis for ownership independent of the choice to appropriate or transfer. It could ground ownership of full market value, since desert based on willingness to take risks in making investments could explain Chamberlain's ownership of all or part of his house's surplus value.

As we know, however, Nozick absolutely rejects any patterned distribution scheme based on desert or "moral merit." As with any patterned scheme, he says, allocation by desert would require interference in the rights of others to shape their lives as they see fit (Nozick 1974, 156). Individual choices (as in his Wilt Chamberlain example) will tend to upset the patterns which are the goal of a distributive scheme. "Patterning" will necessitate interference in individual choices and/or the taxation of earnings and Nozick views taxation as "forced labor" and the partial ownership of others. In his scheme, a distribution of property and resources is just only if it came about as a result of just appropriation, transfer, and rectification—not because it fits a pattern of distribution based on, for example, merit or perceived value to others. He is committed to self-ownership as the basis of rights, and he maintains that self-ownership means an absolute right not to be interfered with, so long as the condition of others is not (directly and materially) worsened.

But it is not so clear that patterning (partly) based on moral desert ultimately conflicts with the libertarian's respect for self-ownership. I think that a closer look at self-ownership and the Kantian moral foundations of Nozick's theory of justice shows that a theory of property rights based on desert is a more plausible expression of those foundations.

Libertarianism and Desert

Nozick describes his view as roughly Kantian because it includes a basic obligation to treat persons as ends rather than means.[18] He does not justify this principle as Kant did, however. In fact, he is rather vague in explaining the moral foundations of his own theory. He agrees with Kant that persons share certain key characteristics—in particular, rationality, autonomy, and moral agency—and that these characteristics are tied up with that which makes persons valuable and grounds their rights. These characteristics, he says, add up to the ability to shape one's

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life as one deems desirable, thereby allowing one to pursue the most meaningful life as one understands it. This pursuit is morally significant and explains the respect we must accord any entity with the characteristics of rationality, autonomy, and moral agency. We respect these connected characteristics, he says, by according persons absolute rights to noninterference.

Nozick shares Kant's view to the extent that he considers these characteristics of persons to be morally significant, and claims that we therefore have a moral obligation to respect one's personhood by respecting one's status as an end in oneself rather than as a means to an end. But, assuming that the making of choices in pursuit of meaning is morally significant and grounds moral respect for persons, is Nozick right in thinking that this respect also grounds "side-constraints" on our behavior towards others—or does it ground an obligation to respect others' moral desert?

I think that this question turns on what, exactly, the *respect-inducing characteristics* of people are. This is an enormous question, and I shall make only a few comments by way of briefly sketching an answer here. I think that, if the attempt to shape one's life in a meaningful way is the morally significant pursuit that creates significance for the personal characteristics involved with this pursuit, then the relevant characteristics are not those of, say, moral agency and autonomy. Rather, the relevant characteristics should involve not capacities but activities.

Consider the following manner of classifying people's moral aspects:

First-order aspects: autonomy; moral agency.

Second-order aspects: choosing in pursuit of one's conception of the good.

Third-order aspects: one's particular conception of the good.

The first order concerns aspects of persons that are mere capacities. The second order concerns the activities made possible by the first-order capacities. The third concerns the aims or principles of the second-order activities. My claim is that when respect for self-shaping personhood is at issue, some activity (or activities) from the second classification should be included among the *objects* of respect. My consequent claim is that a theory of justice involving desert (such as, say, desert based on labor, or on risk-taking) as a basis of prima-facie rights is therefore more appropriate than a theory that allows only negative rights to non-interference.

The third category is definitely ruled out for any Kantian classical liberal like Nozick or, for example, Rawls. It is central to each of their

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views that the state cannot justly impose some particular conception of the good on its citizens. A utilitarian, by contrast, has a particular conception of the good (happiness), and attaches ultimate intrinsic value to that. The deontological liberal maintains respect for all particular conceptions of the good (within certain more general constraints) as each person pursues his or her ends.

I do not think that, when we cite a moral obligation to respect others as moral agents, or to respect others' pursuit of a meaningful life, the only characteristic of others that we respect is their mere *capacity* to be a moral agent or to pursue a meaningful life. We really respect performance in addition to mere capacity, as is reflected in the strong intuition that persons deserve what they work hard to achieve. Similarly, the notion that persons deserve praise and blame is also an important moral intuition; but praise and blame attach to actions (or failures to act) rather than to mere capacities to act.

Of course, a person's capacity to pursue his or her ends is important. That capacity is a precondition of doing that which Nozick considers valuable—shaping one's life in a meaningful way. But a theory of justice based only on rights would miss much of the idea of valuing morally relevant activity. Also, as we have seen above, a theory of justice based on desert would avoid some major objections to Nozick's theory.

That Nozick attaches value to the activity of choosing emerges in his criticism of Rawls. Rawls (1971, 310–15) rejects moral desert as a basis for distributive justice. Part of his criticism is bound up with his own theory of the "original position," which I will not go into here. But an important determinant of his rejection of the notion of rights based on moral desert derived from, say, effort, is that "the effort a person is willing to make is influenced by his natural abilities and skills and the alternatives open to him" (ibid., 312) Even the personality traits that lead one to develop one's talents or work harder than others are due to inborn tendencies, and are thus "arbitrary from a moral point of view."[19] He concludes that natural and social assets are, in effect, common property, and that inequalities based on these assets should be permitted only when they benefit everyone.

Nozick (1974, 214) thinks that Rawls's rejection of desert exposes a critical weakness in Rawls's theory. He writes that

> this line of argument can succeed in blocking the introduction of a person's autonomous choices and actions (and their results) only by attributing *everything* noteworthy about the person to certain sorts of

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> "external" factors. So denigrating a person's autonomy and prime responsibility for his actions is a risky line to take for a theory that otherwise wishes to buttress the dignity and self-respect of autonomous beings. [20]

Nozick's objection to Rawls appears to be that his conception of human beings doesn't leave room for the notion that one can make laudable choices and (again, laudably) work hard. Rawls does not deny the existence of the capacities to choose, to work hard, etc. But he does seem to suggest a conception of human beings such that they cannot be accorded credit for their choices, because they do not deserve the capacities that allowed them to make those choices. What are "noteworthy," according to Nozick, are the choices persons make, not their mere capacity to choose. So he attacks Rawls's idea that persons should be compensated for undeservedly unequal capacities by rejecting the notion that one's choices and actions cannot be valuable and noteworthy, even if they are made possible by undeserved capacities. Failing to appreciate this value is to "denigrate a person's autonomy and prime responsibility for his actions"—to denigrate what is at the heart of what is morally important about persons.

The libertarian may certainly say that valuing liberty means an obligation to respect the inert first-order properties of moral agency and autonomy directly, and may then make the quite non-trivial further claim that this implies noninterference with individual action. Or he can say that second-order attributes are valued, but that they are respected by maintaining people's maximum capacity to choose by enforcing negative rights. However, in light of the arguments weakening Nozick's antipatterning position, and in light of the importance of labor and moral responsibility to the concept of a self-shaping life as well as to any plausible moral conception, it is hard to deny that moral desert, as a basis of prima-facie rights, should play some role in a theory of justice based on respect for the self-shaping life.

Desert and Need

If property rights are tied to moral desert based on labor and risktaking, what of claims to assistance by those in need? As G. A. Cohen, Lawrence Becker, and Will Kymlicka point out, even Nozick's approach seems to imply that claims to need should be considered, for the sake of

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substantive self-ownership: a respect for self-ownership can imply an obligation to assist self-owners in need. But if we tie property rights to moral desert, how do we explain claims to property solely on the basis of need? Redistribution through welfare would *appear* to mean achieving patterns by ignoring claims to property based on desert.

One way to address this question would just be to note that effective choice-making requires the fulfilment of basic needs. This, arguably, is enough to establish a prima-facie claim given the kind of moral foundations under consideration.

I would like briefly to explore another idea: the (to some, counter-intuitive) suggestion that one can base claims on need because need, too, can justify desert. I believe that any enduring appeal of libertarian approaches to property rights owes much to the perception that there is an asymmetry between claims based on need and claims based on labor, in that labor can justify desert and need cannot. This perception, however, is an ill-founded conceit that does not sit well with a libertarian commitment to respect for individual self-determination.

To some, the notion that need can be a basis for (extra-institutional) desert seems not to jibe with a standard analysis of the concept of moral desert. Among reasons given for the claim that need alone cannot justify desert, the view that desert is necessarily connected with *merit* is generally considered "the most decisive of the overthrows." Obviously, being in a position in which one is in need is not itself meritorious. If desert requires merit, it is indeed hard to see how need can justify desert. (Nozick uses the phrase "moral merit" as a substitute for "desert.")

The connection between desert and merit resolves into two issues, each of which has been taken up by recent commentators on desert. These commentators have claimed that, in order to deserve something morally, one must be responsible for the basis of one's desert, and the basis of one's desert must be something generally esteemed by others. These are elements associated with justifications based on merit: the question is whether they are also necessary conditions for desert.

One objection to the claim that need can justify desert is that extra-institutional desert requires responsibility, or "voluntariness"; in other words, one can deserve x on the basis of b only if one is responsible for b. Brian Barry (1965, 108) maintains that "a person's having to be able to have done otherwise is a *necessary condition* of ascribing desert." Julian Lamont (1999, 106) argues that "it seems clear that, for some quality to count as a ground for desert, the person concerned must, in some sense,

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be able 'to take credit for' that ground." And, of course, one is generally not responsible for having unfulfilled needs; when one is responsible for having such needs, it is often in the negative sense that one's position is the result of one's bad choices.

Is it true, though, that bases for moral desert must always be voluntary? In the case of rectificatory desert, it clearly is not true. The recipient of an (undeserved) insult deserves an apology, and victims of negligence or crime deserve compensation.[21] In neither type of case is the deserving person responsible for his or her situation. There are other important applications of the concept of desert in contexts where responsibility is not an issue. Fred Feldman remarks that the parents of a sick child deserve sympathy, and many—such as Nozick—believe that persons deserve respect and equal treatment just by virtue of being persons.[22] Many would also agree that children deserve a good education. In none of these cases are the deserving parties responsible for the basis of their desert.

The other element in the common conflation of moral desert and merit is the idea that positive justifications of desert must be characteristics or actions generally esteemed by others. David Miller (1999, 94) relates desert to the "appraising attitudes," or generally shared attitudes of approbation and disapprobation directed towards qualities and conduct. "Good desert," he says, "is a matter of fitting desired forms of treatment to qualities and actions which are generally held in high regard." He mentions two related reasons for thinking that need should be specifically disqualified as a justifying desert. First, everyone has certain needs until they are satisfied; and second, having needs is not generally something to be admired.

Miller's view is that desert is related to the appraising attitudes; this view holds that need cannot justify desert because need is just a characteristic that everyone has and is not a quality or action generally admired by society. But Miller gives no reason why the concept of desert should be limited in this fashion, except by pointing out that some claims to desert are based on need, some on institutional practices, and some on admirable qualities or actions. One could equally say that Miller has shown that there exist at least three different types of desert: institutional desert and two types of extra-institutional desert. To contend, without further argument, that one type of desert is fundamental seems arbitrary.[23] Miller (1999, 97) maintains that people decide what creates desert by focusing appraising attitudes on types of qualities or conduct. But then why can't people, through

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their values or sympathies, establish that certain characteristics that are not themselves desirable can justify desert? Feinberg (1970, 75–76) describes attributions of desert as expressions of "responsive attitudes." Attitudes of gratitude or resentment are examples of such attitudes, the expression of which is associated with deserving rewards or punishments. But Feinberg also thinks that the suffering innocent can deserve compensation for their misfortunes. In this case, the responsive attitudes expressed by the attribution of desert might include "sympathy, benevolence, or concern."

Miller (1999, 96) claims that, if we did not adopt appraising attitudes toward one another, "we would not and could not use the concept of desert. If the behavior of others did not arouse our admiration and approval we could not say that they deserved honors, prizes, and the rest. The words would have no meaning for us." Even if this is true for honors and prizes, there are many things one may deserve that are unlike honors and prizes. One may be considered worthy of respect by virtue of being a moral agent, just as one may be considered worthy of an award by virtue of meritorious conduct. Desert has a perfectly understandable meaning when respect for personhood or claims of need are at issue, even though need is not usually considered admirable or meritorious.[24]

Stephen Darwall's distinction between different kinds of respect is helpful in explaining the possibility of such different kinds of desert. He distinguishes between "appraisal respect" and "recognition respect" (Darwall 1977, 38–39). Appraisal respect is respect for qualities of persons and features of persons "held to manifest their excellence as persons or as engaged in some specific pursuit." Recognition respect "consists in giving appropriate consideration or recognition to some feature of its object." Darwall holds that recognition respect characterizes the respect thought to be owed to persons by virtue of their being persons. He equates having recognition respect for someone as a person with giving "appropriate weight to the fact that he or she is a person by being willing to constrain one's behavior in ways required by that fact" (ibid., 45) This is what Kant means by the duty to respect persons: to respect persons is to respect "the moral requirements that are placed on one by the existence of other persons."

Following Darwall, David Annis and Cecil Bohanon (1992, 539) distinguish between "appraisal desert" and "recognition desert."[25] Appraisal desert attaches to persons because they "have done something or have some feature that distinguishes them from others, and in

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virtue of this, they are worthy of a kind of response." For example, a passerby deserves a reward for saving a drowning person. Recognition desert attaches to persons simply in virtue of being persons: "A person, qua person," write Annis and Bohanon, "deserves respect, to have his or her interests counted equally with others, and to be treated fairly." On this basis, they claim that persons can also deserve to have their needs met: "Whatever the basis of recognition desert that makes a person deserve respect and equal consideration (autonomy, rationality, agency . . .), that basis also may make a person worthy of having his or her subsistence needs met."

When Miller detects two uses of the concept of extra-institutional desert, he appears to be noticing the distinction between moral recognition and appraisal desert. Simply to assert that the term "desert" is used properly in one type of case, and improperly in another common type of case, is arbitrary. Similarly, Barry's restriction of desert-bases to those which are voluntary simply ignores one evident type of desert (and may unduly limit appraisal desert, since it may rule out desert based on the possession of virtuous characteristics).

Furthermore, the notion that we owe (in some sense, at least) respect to persons by virtue of their status as moral agents, or their status as persons wishing to live meaningful lives, is central to libertarianism in particular and classical deontological liberalism in general. It is central to such liberalism that recognition of one's status as an agent involves the recognition that this status grounds certain claims. When we recognize this, what we recognize is that human beings, unlike other sorts of thing or creature, have characteristics that make them worthy of special consideration.

Since recognition desert does not require voluntary or estimable conduct or characteristics, it is not incoherent to suggest that need is a basis for such desert. It is reasonable to suggest, then, that people, through their values or sympathies, could designate need as a basis for deserving certain treatment. Furthermore, one may argue, as Annis and Bohanon do, that one's status as a person is enough to make one worthy of having one's basic needs met.[26] Such an argument is easy to produce, given the idea that respect for the pursuit of a meaningful life is essential to respect for personhood. Without (at least) the means of subsistence, one cannot effectively pursue one's ends. So any worthiness that attaches to personhood should be taken to imply worthiness of the means of subsistence as well.[27]

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The Nozickian libertarian will object that "respecting" persons in this way will mean disrespecting others by turning them into unwilling laborers for the sake of those who lack the means of subsistence. Counterarguments such as the self-ownership objection, however, cast a great deal of doubt on this negative conception of property rights; hence the pressure to adopt the already intuitively well-supported view that moral desert based on labor underlies property rights.

The claim of those who identify need as a basis for desert is not that it grounds absolute rights or entitlements, but that it grounds conditional and prima-facie or presumptive rights, just as labor or risk-taking can ground prima-facie rights. So each of the competing claims is a potential basis for desert; neither has obvious moral priority over the other.[28] If we mean to attach ultimate value to the pursuit of a meaningful life, then, it seems most appropriate to decide rights claims in particular sorts of cases by weighing claims of need against claims to property. The argument that libertarian rights to property are grounded on desert, and that status as an end-pursuer justifies desert, contributes to a different understanding of rights than that of the libertarian assertion of basic rights to noninterference. Weighing competing claims is not an issue for Nozick, nor for Tibor Machan;[29] they think that there are negative rights that cannot be outweighed. The present discussion is intended, in part, to cast doubt on that approach to rights in favor of an approach that sees rights as undefeated prima-facie claims. The latter conception of rights is suggested when we see that libertarian claims to property are most defensibly based on claims to moral desert, and that there can be other, competing, claims that are also based on moral desert.

If we take seriously the libertarian's commitment to agency and respect for persons as ends in themselves, then the proper measure for adjudicating among these claims should be respect for personhood. In some cases, claims to property will be stronger by this measure: privatization and economic development can protect or increase the value of a holding, and provide compensating benefits to others. In many cases, however, claims to the means necessary to pursue one's ends will be stronger, or at least have some weight. The exclusive appropriation and use of resources can place significant material and nonmaterial constraints on the lives of present and/or future generations. As has been observed by many commentators, the acquisition of property under conditions of scarcity also places significant restrictions on

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the liberty of others, so unrestricted property rights under such conditions must always be regarded with suspicion by anyone concerned with agency.[30]

If claims to property and claims of need are on an equal footing, so to speak, by virtue of each being based on plausible desert-claims, then positive rights to welfare may be legitimately asserted in some situations. To illustrate this point of view, take the fanciful case of Robert and Karl: Karl, a victim of an accidental plane crash, is wandering in the wilderness and starving. He finds a tree bearing some apples on a high branch. But Karl is too weak with hunger to climb. Along comes Robert, a well-supplied hiker, who happens to be in the mood for an apple. He regrets Karl's evident plight, but climbs the tree and retrieves the fruit for himself anyway.

According to Nozick, Robert deserves the apple: we applaud his initiative, hard work, and willingness to take a risk. On similar grounds, however, Karl deserves the apple more, and even has a right to it (or to some of it, or to appropriate compensation). It is not just that Robert ought to give Karl all or some of the apple out of charity. To fail to assist Karl would be to fail to respect Karl as a person with ends of his own who requires the apple to have any hope of pursuing those ends. Karl deserves more respect than Robert has shown him by appropriating the apple without regard for Karl's status as a person with ends of his own.

Robert did not create the apple, was not charged by Karl with the task of retrieving it,[31] and has undermined Karl's ability to appropriate the apple for himself. Any inclination to grant him a claim to the apple rests on desert based on his labor, initiative, effort, or risks taken. Why would these justify desert? Because devoting effort to achieving one's ends represents the end-pursuing characteristic of human beings. Moral agents are, according to Nozick, worthy of the respect cited by some in treating effort as a desert-base, because of their identity as end-pursuing beings. Recall that Nozick describes the very possession of characteristics universal to persons as "noteworthy," and describes Rawls's mistake as that of "denigrating" persons by disregarding the characteristics involved in making choices and living the self-shaping life;[32] Nozick identifies these universal characteristics of persons—the characteristics involved in being end-pursuers—as "valuable," and claims they are owed respect on the basis of that value.[33] But it is inconsistent to base a theory of rights on respect for valuable universal characteristics of persons, and then to

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deny the implications of that respect by claiming that worthiness attaches only to meritorious actions.

Talk of respect for persons is ubiquitous in libertarianism, as well as in classical liberalism generally. It is evident that libertarians are committed to the view that persons are worthy of respect just by virtue of characteristics all persons hold. But these same reasons for respect suggest that the needs of moral agents can create desert—not necessarily sufficient for rights, but sufficient for factors that should be taken into account.

Karl has a right to the apple; this is not incompatible with Robert's rights because any right Robert had to appropriate the apple would be based, ultimately, on desert. Now that we have identified another person who deserves the apple, we must determine whose prima-facie claim outweighs the other's. I would suggest that it is at least coherent to maintain that, in this case, Karl's claim does.

The defender of negative property rights is on the horns of a dilemma. He can base his view on the ascription of ultimate value to liberty *qua* capacity to act—thereby exhibiting a form of recognition respect; but this invites the objection that substantive or effective liberty should be more important than formal liberty. The libertarian may, alternatively, base property rights on desert, but then must explain why recognition desert should be ignored.

What I have tried to show is that the fundamental values underlying the libertarian's respect for property rights equally support claims to the satisfaction of needs. There is no way out for the libertarian defender of absolute property rights. The libertarian attaches ultimate value to liberty and the pursuit of a meaningful life; but, since the fulfillment of basic needs is necessary to these, the libertarian really should support a prima facie right to welfare.[34]

NOTES

1. The following description of the foundations of Nozick's conception of rights is strongly influenced by Jonathan Wolff's treatment of the same in *Reading Nozick* (1991, 27-29).
2. See Kymlicka 1990, 103-7.
3. See Wolf 1995, 795 and Waldron 1979, 319-28.
4. See Wolf 1995, 798-99.
5. See Locke 1988, 335.
6. See, for example, Machan 1995, 211.

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7. See Waldron 1988, 259; cited by Gaus et al. (1990, 496).
8. See Nozick 1974, 177-82.
9. See Becker 1977, 40. This objection is developed at length by G. A. Cohen in *Self-Ownership, Freedom, and Equality* (1995).
10. See Kymlicka 1990, ch. 4, sec. 2. See also Plant 1985 for a similar argument.
11. This point is developed by Barbara Fried (1995). The following examples involving Wilt Chamberlain come from her essay.
12. Cited in Gaus and Lomasky 1990, 497.
13. Cited in ibid., 496.
14. See Becker 1977, ch. 4. When I use the expression "moral desert" I mean extra-institutional desert—desert that is not based on expectations relative to some legal system or other institutional arrangement.
15. Cited by Becker 1977, 50.
16. See, for example, Feinberg 1970, 145.
17. See Becker 1977, 50. Jean-Paul Vessel has pointed out to me that a utilitarian might feel obligated to confer praise or blame on some who do not deserve it just because some value will be maximized as a result. Here, as elsewhere in this paper, I ignore utilitarian perspectives on justice. I agree with Rawls and Nozick that utilitarianism leads to fatal counterexamples from the standpoint of justice, and fails to respect the distinction between persons.
18. See Nozick 1974, 48-51.
19. From Wolff 1991, 120.
20. This passage is cited by Wolff in making a similar point about the Rawls-Nozick debate (1991, 121).
21. This point is made by Fred Feldman (1997). Owen McLeod (1999,63) also discusses this point.
22. See Annis and Bohanon 1992. See also Feldman 1997 and Mcleod 1999.
23. Eric Moore makes a similar point in his doctoral dissertation on the subject of desert (1998, 68).
24. McLeod adds the point that Miller does not distinguish between something's being admired and something's being *appropriately* admired. As McLeod points out, if Miller's claim is that *x* justifies desert if and only if *x* happens to be admired by many, then his view reduces to a questionable sort of conventionalism or relativism about desert. Hitler, for example, was admired by many. If Miller's view is that *x* justifies desert if and only if *x* is *appropriately* admired, then his view is vacuous without an account of what makes admiration appropriate—an account that would show that the admiration in question is *deserved* (1999, 64). Moore (1998, 69–70) makes a similar point.
25. Darwall (1977,39) implies that he would not accept recognition desert, since "typically," only appraisal respect is connected with "meriting or deserving" respect. This is not a focus of his paper, though, and he does not categorically rule out desert based on recognitional features.
26. All I am claiming here is that needs can *sometimes* be desert-bases for persons. No one would want to claim that need is *always* a desert-base for persons;

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Machan (1995, 211) points out, for example, that a thief "needs" skills in order to steal.

27. In a recent paper, Gillian Brock (1999) does not argue that need can be a desert-base, but does argue that need should be taken into account in a society that values distribution according to desert. Her argument turns on the claim that, in such a society, to allow persons to suffer from a lack of opportunity to acquire desert is to punish them unjustly. Among other defects, this argument rests on an unjustified equivocation between being unlucky and being unjustly punished; Brock assumes, to put it another way, that we not only deserve but deserve to deserve.
28. Unless the libertarian can explain why desert based on labor, *as a rule*, outweighs desert based on need. I do not see how this is to be done in a non-arbitrary fashion, however. My thanks to Jean-Paul Vessel for this objection.
29. See Machan 1995, 210.
30. See Cohen 1995, Becker 1977, and Kymlicka 1990.
31. As Proudhon (1966, 61) would say; cited in Becker 1977, 41.
32. Recall Nozick 1974, 214.
33. Recall ibid., 48.

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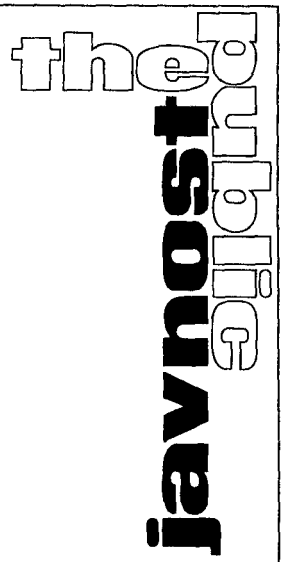

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